App. F. IX-4

Previous References

1930.31
(Law)

File No. 100-30

Serial Nos. 1-4, 6, 8, 14, 16-22

Later References

Law Dept no. 151-31
Law 55-32-1-41

(43)

General and Revenue Secretariat.

Serial Nos. Nineteen

Part B for September 1931

SUBJECT.

Engaging the services of the Govt. Pleader in Ex. 1595/28-29 and 539/29-30 on the file of the Addl. Sub-Court Mysore.

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22) To Mr. D. M. Bhimbhai.
" P.P. Mysore.
" Comptroller thro' H. Secty.
" Registrar High Court.

No. P 238-41 dt. 11. 9. 31.

Admits the liability of Mr. Ramanathaiya to the extent to which his pay could have been attached according to law and directs to pay a sum of Rs 269. 14-0 Subject being recovered from the disbursing officers concerned according to Govt. Circular.

Mr. Bhimbhai
29-9-31

G. R. S. APP F. III—1] 1930.

GENERAL AND REVENUE SECRETARIAT

(Law)

NOTES.

File No. 100-30

FILE HEADING.

Engaging the services of the Govt pleader.

FROM Addl. Sub-judge Mysore

No. 992 Dated 27-1-31. Received 30-1-31

Diary No. 3760	Enclos.	Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that attached portion of the salary of some of the Govt servants has not been remitted to the Court in spite of frequent reminders to the disbursing officers concerned, and that since decree holders have finally applied for the suit to be brought on record, requests to instruct the Govt Pleader to move the Directors.

NOTES AND ORDERS.

It is stated that in the 2 cases viz Sc. 1866/27-28 Ex: 1595/28-29 and Sc. 852/24-25 Ex: 539/28-29 on the file of the Addl. Sub-judge Mysore, the decree holders having applied for the attachment of salaries of the judgment debtors who are the Govt servants, warrants for the attachment of salaries were duly issued to the disbursing officers concerned

NOTES—First Sheet.

WD 01683—GPB—5,000—3-5-29

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Serial No.

In the first Case judgment debtor Ramachariya is a clerk in the City Magistrate Court Bangalore. In the second Case judgment debtor H.S Bhaskara Rao is a clerk in the police Supt's office French Rocks. In spite of the frequent reminders having been issued by the Court to the disbursing officers to remit the attached portion of the salary, it is pointed out that no reply is forth coming. Now the decree holders have finally applied for the case to be brought on record under Rule 48 order 21 of the C.P.C. Hence the Addl Sub-Judge Mysore requests to instruct the Govt. Pleader to file objections on 4th Feby 1931 to which date the Cases are posted.

2) For the present the Govt Pr Mysore may be requested to appear for Govt and take an adjournment, and the officers Concerned may be addressed separately: necessary dfts are sent?

For orders

ISP 4/2

3) Dft I to D.M. Bangalore
Dft II to D.C. Mysore
& D.E.P.
calling for an immediate report
& Dft III to P.Pr, Mysore requesting him

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

to appear in the two cases & take an order on 4-2-31 are put up for favour of approval.

4) Complaints regarding non compliance with attachment warrants duly issued by Courts of Law are becoming rather frequent. After issue of the Drafts above mentioned, the question in general will be taken up & submitted for orders.

Legal R^r

2/2/31

5) Cys. Issued

2/2

To

The Dist. Mag^te Bangalore

No. P. 4670 dated 2.2.31 requesting to enquire & report why and under what Circumstances the distraining officer has not Complied with the Court warrant

To

D.C. Mysore

No. P. 4671 dated 2.2.31 requesting to enquire & report why and under what Circumstances the distraining officer has not Complied with the Court warrant

1 Copy to Sp. of Police for information

This is being worked up separately

17.3.31

General and Revenue Secretariat | File No. of 193

Serial No.	
4	To The PPr. Mysore No. P. 4673 dated 2-2-31 requesting to appear for Govt in the 2 marginally noted Cases, and to take an adjournment
6	Letter No D2 Dis 266 1/30 dated 5-3-31 from the DS of Police forwarding a copy of the letter from the Dist. Supt of Police Arsikere explaining the Circumstance under which the warrant Could not be executed. b) The Supt of Police states that the warrant of attachment was returned to the Court as the official had been transfered as Insr of weights and measures. But the warrant is said to have been received on 5. 6. 1929; the official was relieved from the Supt's office on 13. 6. 1929. The warrant was finally returned to the Court on 29. 6. 1929. It would have been better if the attachment warrant instead of being returned to the Court, was forwarded to the office to which the official in question was transfered for perusal. TSD 1/3
7	Letter No B. 3. M. 80 /30-31 dated 6th March 1931 from the D.C. Bangalore forwarding Certain Communications and explaining —

NOTE—Contn. Sheet

WD 02553--50,000—GPB—8-7 30

5

File No. of 193 General and Revenue Secretariat

the Circumstances under which the salary attachment of S. Ramanathaya Head clerk City magrs B'lore was not executed.

7) The Circumstances explained in P.W.D are very much surprising It is clear from the facts set forth that the head clerk Ramanathaya the Judgment debtor has Conspired with the other two clerks of the office of the City magrs' Court and has suppressed all the Communications addressed to the City magr from the Addl Sub judges' Court Mysore. What is more, even D.O letters to the personal address of the magr have been suppressed by the clerks Concerned. The explanations tendered by these officers are vague, and not at all satisfactory as the City magr was kept in complete darkness as to the receipt of ~~Execution~~ attachment warrant. Hence Compliance

8) In para 4 of the P.W.D D.C states that the officer requires summary dismissal as it is extremely dangerous allow him in service any longer. Under the Circumstances he solicits instructions as how best the warrant could be executed.

Subd for perusal & orders.

ISD
12/3

9) Please put up a draft to the PDr enquiring as to the action taken by him in pursuance

4265
4273
4278.

6

App. F. III—2]

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Serial No.	
	NP 4673 of this office letter of 2nd Febr 1931 & the date to which the case is posted for hearing. Copies of the appl^ns filed by the decreeholders in the case may also be obtained immediately
	BPP 13/3
10	Dft to the PPr. Mysore is put up. ISD 13/3 Issue & resubmit.
	BPP 13/3
11	Reply being received the dft needs issue.
12	Letter No 4272 dated 11th March 1931 from the PPr. Mysore reporting that the Case. are adjourned till 1.4.31 and forwarding vakalatnamas for signature of the Ch. Sec^y for perusal
13	PPr. requests that necessary instructions may be issued to him for filing objections if any, before the date of next Hg 1.4.31 Dft returning the vakalatnamas is put up. ISD 14/3
	For favour of Signature to the two Vakalats Chief Secy) BPP 14/3
	MM 14/3
14	Issue & resubmit BPP 16/3

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

To, the Pltr. Mysore.

No. P. 5785 dated 16.3.31 returning the vakalat duly signed by the Ch. Sec^y and requesting to obtain and send immediately Copies of applications filed by the decree holders in para 15) Sub ? for orders as required in para 6 & 8 supra.

15D
17/5

16) The Addl Sub Judge, Mysore, reported that in two cases S.C. 1866 of 27-28 and Ex^n 15-95 of 28-29
S.C. 852 of 24-25, in his court attachments Ex^n 1121 of 30-31
of pay of one S. Ramanathia, Clerk of the Bangalore city Magte's Court and one H.S. Bhaskararao, clerk of French Rocks D.S.P's office, were still unexecuted & that accordingly the parties concerned had moved the Court to enforce the liability of Govt under Order 21 rule 48 C.P.C.

17) The Pltr, Mysore who has been instructed to appear in the cases reports that they stand adj^d to 1-4-31 for objns & requests instructions in the matter.

18) The D. Cy. of Police in his letter of the 5th march, says that the attachment warrant was returned to the Court by the D.S.P on 29.6.29, as the official

General and Revenue Secretariat | File No. of 193 .

Serial No.

Bhaskara Rao was transfered to Mysore & relieved on 13-6-29. Since the Court did not reisone the warrant to the proper distraining officer concerned, the attachment could not be effected. In this case therefore Govt cannot be made liable under Cl 3 of order 21 rule 48 C.P.C.

19) The case of S. Ramanathaiya of the Bangalore City Magistrate's court however is one which calls for attention. The D.C.'s report shows clearly that the clerk has been guilty of suppressing the warrants and the officers concerned have not been able to find this out in time. The method adopted in the office for receiving etc of tappals leaves great room for improvement. It is a pity that the person concerned was appointed to be the 4th clerk of the Court ~~as~~ even without taking the necessary security deposit. He is now under suspension & the D.C. recommends his ~~summary dismissal~~ being retired on some compassionate allowance, though he feels this to be a fit case for summary dismissal. This question will have to be worked separately in the Courts section & perhaps the views of the High Court may have to be taken.

C 7

20) The question now is what answer

NOTE – Contn. Sheet

WD 02553—50,000—GPB—8-7 30

9.

435a
2165

File No. of 193 General and Revenue Secretariat

Govt have to give in the case before the Addl Subdt. The PP supreme has been directed to send copy of the decree (Order's appln + after its receipt, copies of the D.C's report may be sent, if appd to the PP for drafting an obj.n statement if possible.

Legal Dy through Post Bag } DRG 17.3.31

9287 18/3

yes.

(1) In the meantime please submit to the Member for perusal, flagging the papers.

DRG 18/3

Submitted for perusal.

(2) Bangalore Deputy Comr's report re: Suppression of attachment warrants by clerk Ramanatha of the City Magistrate's Court is flagged 'Z'.

2nd member DRG 19.3.31

OFFICE OF THE SECOND MEMBER OF COUNCIL 19 MAR 1931 No. 8660

(3) This kind of thing is becoming too common & the responsibility of the erring officials including Head of Office will have to be enforced. Ramanatha should be reasonably & not, I think, finally dismissed. What is the act involved?

Ker 19/3/31

DRG 21/3 (4) Please put up recent correspondence 21/3

General and Revenue Secretariat | File No. | of 193

Serial No.

10

Letter No 494 dated 18.3.31 from the PPr Mysore forwarding for perusal Copies of Execution petitions and requesting to issue instructions before 1.4.31 the next date of hg.

2) The amount involved in the Case of Ramanathaiya is about Rs 235/4-0 including the interest and the Court Costs. In the Case of Mr. Bhaskara Rao the amount is about Rs 160/-. As the PPr requires definite instructions before 1.4.31 Copies of D.C's reports may be forwarded to him for filing objections as pointed out in para 20 of the note.

Dft to the PPr is Subd

ISD
23/3/31

3) Refce: paras 20 and 23 above.

Two drafts are put up for orders.

1) to the PPr, Mysore forwarding the reports received & requesting him to send draft objn Stt.

2) to the D.C. Bore stating that Ramanathiya should not be readmitted pending final orders.

Legal[r]

MP
23/3/31

26) Draft C II may be apd

D. M. 24/3

2nd Number

27) Ltr
Mg B Papers
Dfts I & II
D-M-24/3

OFFICE OF THE SECOND MEMBER OF COUNCIL
24 MAR 1931
No. 8758

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

To

The PAR. Mysore

No. P. 6058 dated 28.3.31 forwarding copies of the reports received from the D.C. Bangalore and Sy. of Bldrs, and requesting to examine the Case Carefully and to send a dfn objection Statement for approval

To

The Dist. Magte Bangalore

No. P. 6059 d 25.3.31 informing that Govt. desire that Ramanatha should not be re-admitted to duty pending final orders.

Rembe

ISD
26/3

26) Refer: Bangalore D.C's letter (Hag S). paras 19, 21 & 23 above. for further action regarding Ramanathia.

Prof^r Br)

Mg
26/3.

N.D

The Cts Section may retain Hag's & also take extracts from paras 19, 21 & 23 & return this file to the Law Section for watching the cases—

Mg
26/3

The purpose of the extracts are taken

Sec
27/3

Sec A

ISD
27/3

Serial No.

13 Letter no 509 dated 27th March 1931 from the PPr Mysore forwarding for approval and signature of the Ch. Secy, the Statement of objections in duplicate to be filed on 1.4.31.

2) The Statements will have to be returned before 1.4.31.

Subd for perusal and signature of the Ch. Secy. Dft returning is also put up.

ISO
20/3

3) The objn Statement in the case against Bhaskarabas is in order & may be approved.

3) It is doubtful whether Govt in the Case of Ramanathia, can escape liability on account of the misconduct of their own servant. Para 2 of the Statement in this case, saying that it was beyond the Control & ordinary diligence of the disbursing officer to give effect to the warrant in this case, is untenable. It is perhaps more advisable to admit the claim to the extent to which the pay could have been attached till the date of suspension of the official and then to recover it from the official concerned or even from the superior officers, if Govt deem fit to do so in the circumstances of the case, than to urge a plea of nonliability on account

NOTE—Contn. Sheet

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C6 25

File No. of 193 | General and Revenue Secretariat

of the fraudulent conduct of the clerk concerned.

Submitted for orders—

Legal Adv. DNC 28/3 | Date of Hg 1-4-31

32) I agree.
A dispute of that kind cannot be stated in a Court of Law, and it naturally involves some reflection on the method of work of the officials. I think it is proper to admit the claim and hold the officials concerned to pay it.
DNC 28/3

2nd Member,
through Chief Secy
& Fin Secy

Read at 5:35 on 30/3/31
Chf.

DNC 30/3

h 30/3/31

DNC 30/3/31

33) Papers in 30/3

for favour of signature to the Obj'n statement in the case against Bhaskararao — Flags.

OFFICE OF THE SECOND MEMBER OF COUNCIL 30 MAR 1931 No. 877

Chief Secy) DNC 31/3 | Date of Hg 1-4-31

DNC 31/3/31

35) Dft to Pr, Mysore is for approval
Legal Adv

DNC 31/3
Approved
D. M. 31/3

Some today. A copy of the Obj'n St (7:8) may be kept in the file. DNC 31/3

CHIEF SECRETARY 31 MAR 1931

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14

To

The PPr. Mysore.

No. P. 6233 dated 31.3-31 returning the objection statement in the Case of against Bhaskara Rao duly signed by the Ch. Secy, and requesting to report to the Court that Govt have decided to admit the claim against Ramanathaiya and to intimate the exact Amount which Govt is liable to pay

Sus A.

ISD. 1/4

Letter no 80/30-31 dated 26th March 31 from the Dist. Magte Bangalore pointing out further irregularities of Ramanathaiya, where in he has failed to realise his responsibility as head clerk.

retain on file

DP 28/9/31

30) City magte Bangalore has reported the seizing of a red fur Cap being one of the articles in C.C. no 4145/30 received by Ramanathaiya from the Police. The explanation given by the HD clerk in this respect is again very unsatisfactory.

A Copy of this letter may be transferred to Ele Section for further action.

ISD 1/4

31) Both the Copies may be handed over to Mr Ganapathiya for further action.

DP 1/4

The Secretary Revenue Sec 1/4

Sus A

ISD 1/4

NOTE—Contn. Sheet

15

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Letter No 523 dated 4.4.31 from the PRr Mysore forwarding a memo of the amount due to the decree holder by Ramanathaiya | 16

The PRr reports that the decree holder has filed a memo claiming Rs 263-2-10 towards the deferred amount including interest and Court Costs. And the Case is posted for payment on 10.6.31

The PRr has been informed in this office letter no. P. 6233 dated 31.3.31 that "Govt have decided to admit the claim to the extent to which the pay of the official could have been attached till the date of his suspension."

From the Communication addressed to the D.C. B'lore by the Addl Sub Judge Mysore it is ascertained that the attachment warrant was forwarded by the Court on 13.2.29. As it was not returned at all, a fresh warrant was issued on 16th May 1929 by Regd Post. Ramanathaiya is under suspension from 23.12.30. The total Amount that is to be admitted is to be Calculated from 16th May 1929 to 23.12.30. It is also for Consideration that 2 more attachment warrants from the Munsiff Court Clospet are still pending against him. The official seems to have been

4772

16

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drawing a pay of Rs 55/- permanen
the amount that can possibly be
deducted from his pay towards his
pecuniary decree is to be calculated in
the light of the circumstances explained
above. Kind attention is also invited t
the Secy's note in para 3 supra
where in it is specifically mentioned that
the officer concerned is to be held
responsible for the amount.

ISD.
15/4 : The claim made in the memo is
for payment of the full decree
amount due - Govt cannot be held
liable for more than what could have
been attached from the pay of the official
as mentioned in this office letter of
31.3.31. Please put up a draft to
PAR, myself inviting his attention to
this and requesting him to intimate the
amount due to the D.H. by Govt
accordingly. A copy has to be sent
to D.H. More.

DSP
15/4

Dft is put up accordingly

ISD
16/4 Draft as revised may be
approved.

Regd

DSP
16/4

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

Issue
DSP 20/4

1912

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The PRM Mysore

No. P. 6787 dated 22.4.31 informing that Gun Cotton be held liable for more than what could have been attached according to law from the pay of the official and requesting to ascertain the amount according

Letter No 1108/30 dated 4.4.31 from the D.C. Mysore submitting a report in the matter of non Compliance of warrant of attachment in Case of Mr H.S. Bhaskara Rao

U/3 the DC has enclosed a copy of the letter from the Supt of Police Hunsur Rocks a copy of which was already received from DS.P. (vide Para 6 Supra) It is noted in para 18 Supra that Gun Cotton be held liable for one day of Bhaskara Rao who was transferred to Mysore Since the attachment warrant was received by the Supt Hunsur Rocks was returned to the Court and the Court in its turn did not issue the warrant to the office to which the official was transferred

? Please verify & revise
BVP 22/4
revised TSD 23/4

ISD 23/4 Action on this has already been taken. Paras 18 & 30 Supra

For perusal

Legal (R[illegible])

2nd Member

BVP
D.M. 23/4
29/4.

BVP 30/4

11/5/31

D.M. 1/5

Bust mel 6/5

OFFICE OF THE SECOND MEMBER OF [illegible]
1 MAY 1931
No. 9566

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

Letter no 4661/30 dated 29th April 1931 from the D.S.P. forwarding the entire file of Correspondence of the office of D.S.P. Forest Rock re: the non Compliance of warrant of attachment

flag 'S' (1) In Mr. Anderson's letter of the 20th Feb'y 1931 forwaded with D.S.P.'s letter of the 5th March, it is pointed out that attachment warrant was received on 5.6.1929, and as the official was relieved of his duties on his transfer as Tsar of Wb and Measures on 13.6.1929, the warrant was returned to the Court on 29.6.29.

flag "H" (2) In D.S.P's letter dated 9th Feb'y addressed to the D.S.P. and enclosed with D.C.'s letter dated 14th April 1931, it is stated that Blaikan Rao's pay for June was not drawn in his office as he was relieved of his duties on 18.6.29

(3) Now in the present file of records it is seen that the date of receipt of the attachment warrant was 16.5.29 and not 5.6.29 as originally reported. The warrant was returned to the Court on 20.6.29. In the light of the Circumstances explained in previous 2 paras Govt could not incur any liability under Order XXI Rule 46 C.P.C. Objection Statement

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

was accordingly filed in the Court by the
P.P. Mysore. But now according to the
present circumstances pointed out in the
file of Correspondence of the office of D.S.P.
French Rocks different set of facts will
come into light and show that there
was ample room for the disbursing officer
to execute the warrant at least for the
month of June, and then transfer it
to the office to which the official
was transferred. This will have to be
pointed out to the D.G.S.

for orders

ISD.
7/5 48 In the case against Bhaskar Rao
Clerk of the D.S.P's office at French
Rocks, Govt have filed an objn.
statement denying liability under
Order 21 rule 48 C.P. Code, on the
ground that after the receipt
of the warrant of attachment of
salary, no salary was disbursed
& that the warrant itself was
returned to the Court on account of
the transfer of the official. This
statement was based on the facts
reported in the D.S.P (Mr. Anderson's)
letter of 28th Feb 1931.
49 It is now reported by Mr.
Siddaraj Urs. D.S.P French Rocks,
that the warrant was received on 16.5.29

Serial No.

and not on 5.6.29 & that the official was transfered on 11.6.29. It is therefore clear that the disbursement of salary in June without effecting any the attachment was illegal & under law makes Govt liable for the sum that could have been attached.

52 This aspect of the matter, will if approved be pointed out to the D.G office and the PPr, myself will be asked to amend the objn SH: suitably.—

Legal Rr 51 yes. MM 8/5
Objn necessary
D.M. 8/5

53 Draft a letter to the D.G.P & one to the PPr also on the lines indicated above
MM 9.5

53 Dfts I & II to the D.G.P and PPr resp, respectively are put up accordingly
ISD 11/5 Typed drafts — please
MM 12/5

Typed dfts subj
ISD 13/5 54 Drafts I & II are for approval

Legal Rr 55 Rtnd MM 12/5
D.M. 13/5

Issue
MM 14/5

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 7 30

To

The D.S.P. of Bldre

No. P. 7484 dated 16.5.31 pointing out certain Variances found in the file of Correspondence of D.S.P. French Rocks and requesting him to enquire and report as to which officer is to be held personally liable to make good the loss that may be caused to Govt in this Case according to the recent Circular issued in this respect.

To

The PPr. Mysore

No. P. 7483 dated 16.5.31 forwarding a Copy of the D.S.P.'s letter with the entire file of Correspondence and enquiring whether the Change of date would necessitate an amendment of the objection statement already filed on behalf of Govt & if so to take up the necessary action in the matter.

Sur A

ISD 4/6

The Receipt (No. 5470) may be entered up

MNJ 9-6

Letter no 609 dated 21st May 1931 from the PPr. Mysore submitting the Progress report for 20.5.31.

5b PPr. States that it is not necessary to file a separate amended Statement on behalf of the Ch. Secy. However it is pointed out that a memo will be filed embodying the required alterations. The case stands adjourned to 10.6.31 during which report is to be awaited.

ISD 9/6.

57 further report from the PPr may be awaited for a week more.

MNJ 10/6

58) Has a reply been received to ~~the~~ our letter of 22/4/31 to PPr. Mysore?

MNJ 10/6.

Sur A

MNJ 12/6

Serial No.

Letter no C. 2761/30 dated 13.6.31 from the D. S. P. forwarding copy of the letter from the Supt French Rock together with enclosure and stating that the attachment warant was received by the Supt on 16.5.29, and returned on 20.6.29.

2. A Sum of Rs 10 was received on 12.6.29 from the pay of Bhaskar Rao for the month of May. This amount was sent to the Court on the same day. The duplicate warant was finally returned to the Court on 20.6.29.

(6a) In the Previous Correspondence sent by the Supt French Rock, no mention was made of this fact. ~~was made as to the deduction of Salary for the month of May. Every time first such as Coming into light. This has to be seen of recovery of Rs 10/- from the pay of Bhaskar Rao was not~~ been intimated to the Pln Reserve, by the D.S.P. himself - Vide TSD 17/6. ~~Above~~ progress report for 20/5/31 (Flag X). No further action is now necessary - Further report from the DSP, mysore may be awaited.

Submitted for perusal.

Legal[r] BNP 17.6.

Letter no: 659 dated 18th June 1931 from

Letter no 1605-50 d 16.6.31 from the City Magte informing that Rs 6 amount of Salary & Remuneration available for Notified Constable on 1st March 1929 was Rs 30.

the Public Prosecutor, Mysore, intimating that ~~time~~ there was a possibility of the full decree amount being paid off if the attachment of pay of Ramanatha had been duly given effect, and seeking instructions in the matter before the next date Viz 24-6-1931.

6) Kind refee is invited to paras 31 and 32 above, which show that Govt have admitted the claim of the decreeholder only to the extent of the amount that would have been payable to the decreeholder had the attachment order been duly obeyed by the City Magistrate, Bangalore. The PPr was, in this office letter (Hg V), asked to ascertain & intimate this amount. In the P.V.D. he says that there was a possibility of the full decree amount being ~~sa~~ paid up if the attachment had been effected. It is therefore inevitable that Govt should pay the full decree amount (viz 263-2-10 + further interest as per decree). This has ofcourse to be recovered from Officers responsible for not giving effect to the attachment order & this question will be worked up later on after consultation ascertaining the necessary facts

General and Revenue Secretariat | File No. of 193

Serial No.

Date of Reg
24.6.31

from the District Magistrate, Bangalore.

64) If approved, instructions will now be issued to the PPr to report to the Court that Govt will, according to law pay up the amount & take a date for the date for the purpose.

Chief Secy. MG 20/6.

20 JUN 1931

65) Draft to PPr, supra is submitted for approval. Further action will be taken after issue.

Chief Secy) MG 21/6

64 MG 22/6/31

65 Issued today
MG 22/6

To

The PPr. Mysore

No. P. 7909 dated 22.6.31 requesting to obtain an adjournment of about a month so as to enable Govt passing necessary orders regarding payment of money.

Cpy to the Dist Mag: B'lore.

66 Ramanathia is under suspension from 23.12.30 according to the report of the D.C. B'lore Govt will be liable under the present circumstances, for the Amount that Can

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8-7-30

be possibly received late 23.12.30. It will be better to address the Dist. Magte. in the matter after obtaining the required reply from the PPr Mysore.

TSD 29/6 Please put up a copy of the G.O. Compulsorily retiring Ramanatha.
It is in ch Section
MNP 23/6

The Ct file 174-30 containing the required G.O. is linked up. It is ordered that Mr. Ramanathaiya may be retired from Service from the date of his Suspension (@ 23/12/1930. vide para 3 of the G.O.)

a copy may be kept in this file & the file returned to ch section
MNP
Copy of the G.O. is put up.

This may be submitted as soon as the reply from the PPr is received
MNP 24/6

Sen A till 30th
MNP 25/6
TSD 29/6.

Letter no 664 of 24.6.31 from the PPr Mysore states that Ex. 159 5-/20 ag (Lakshminarasimhaiya vs Ramanathaiya) is adjourned to 29.7.31 to pay the decretal amount and report Satisfaction.

Reports that Ex. 1124/30-31 - Bhaskara Rao's Case is adjourned for pt's reply to 8.7.31.
PPr is reply in the former Case is to be awaited.

TSD 29/6. Please put up a draft to PPr with reference to his report that in spite of repeated reminders the decree on 29.7.31 is still being awaited
MNP 29.6.

Dft Submd for approval.
TSD 29/6

Issue
MNP 29.6

Sen A for three days
TSD 27 MNP 27

Issued no. P. 9 dt 1.7.31

General and Revenue Secretariat

Law File No. 100 of 1930.

Serial No.

Letter No: 9 Dated 2.7.31 from the Pr. Magde, stating that as per calculations in the memo enclosed a sum of Rs 269-14-0 has to be paid by Govt- on 29.7.31 and requesting an early remittance.

67 Kind reference is invited to paras 61 & 62 supra.

68 The amount has to be paid into Court on 29.7.1931 and steps taken to recover the same from the officers concerned in consultation with the District Magistrate. A draft G.O is put up for favour of consideration and orders.

(Chief Secretary) BNR 4.7.31

69 Issue after perusal by Fi Secy

MM 5/7/31

Financial Secy) BNR 6.7.31

H 81 7-7-31

AD 7.7.31 70 h 9.7.31

Issue today BNR 8.7

H 74 9/7/31

Draft Memo communicating the order submitted

MM 9/7/31

Issue AD 9.7.31

NOTE—Contn. Sheet.

VII 0553—G P B—50,000—8-7-30

To The Dr. Magte, B'lore
" Govt. Engineer
" Comptroller Mysore for info
" Regr H.C.

544
404

File No. of 193

General and Revenue Secretariat

G.O. no. P. 238-41 Law 100-30-2 dated 11.7.31 admitting the liability of Ramanthaiya to the extent to which his pay could have been attached according to law, and directing to pay a sum of Rs. 269-14-0 subject to being recovered from the disbursing officer concerned according to the Govt. Circular.

Letter no 45 dated 15.1.31 from the PDr. Mysore intimating that in Ex: 921 of 30-31 the decree holder files reply objecting to the filing of the addl statement on the ground that it is inconsistent with the pleas originally put forward, and that the case is posted to 15.7.31

Letter no 48 dated 15.7.31 & informing that the case is adjourned for argument to 5.8.31

Further report may be awaited.

TSD 20/7

Sus 20/7

Letter no 82 d 24.7.31 from the PDr. Mysore, enclosing a receipt for Rs. 269-14-0 granted by the Addl Sub-Judge, Mysore

Further report re: the full satisfaction of the decree is awaited.

Subd for perusal.

TSD 27/7

(Chief Secy) 27.7.

DMH 27/7/31

27 JULY 1931

Sec B

B / TSD 4/8

4/8

TSD 28/7

General and Revenue Secretariat | File No. of 193 .

Serial No.

Letr no 144 dated 14.8.31 from the Pbr Mysore forwarding a copy of the objection statement filed by the decree holder in Ex: 1121/3031 (A K Ranga Iyer vs Bhaskarrao 4th Sec[y]) and soliciting opinion whether it is necessary to contest the decreeholder's claim.

71 Kind reference is invited to para x 48 to 50 of the note (Supra) ~~the file kept below~~. In the first instance non Compliance of warrant of attachment of pay of Bhaskarrao under order 21 Rule 43 cl (3) was denied, on the strength of the original report. Later on the Pbr was asked to file an addl statement stating that a sum of Rs 10/- was attached for the month of June, and was duly sent to the Court. It was also pointed out that since the warrant of attachment was returned to the Court on x 20.6.29 Consequent to the transfer of the official to Mysore, the record deft is not liable to make good the amount.

72 Now the Pbr. states that the ~~offg~~ Asst Supt of Police ought to have Communicated the facts of attachment to the next disbursing officer, and solicits the opinion whether the claim is to be contested or admitted.

73 When the warrant was returned to the Court on 20.6.29, the Court was aware of the transfer of the officer, and warrant could have been accordingly directed to Mysore. The claim may perhaps be Contested on this

Date of Mg 30.9.31.

NOTE—Contn. Sheet.

 for personal studies.

ISD 7/8.

29

File No. of 193 General and Revenue Secretariat

24 The facts of this case are that on 16th May 1929, the Asst Supdt of Police French Rocks, received a warrant of attachment of the salary of his clerk, Bhasaradas and that on 12.6.29, he recovered accordingly a sum of Rs 10/- from the salary & sent it to the Court - Since the clerk was transfered from French Rocks afterwards, the Supdt of Police returned the warrant to the Court on 20.6.29.

This fact is denied by the other party, but the extracts of the Cash book of the A.S.P's office support it - Dog 1878.

25 The fact of attachment was not mentioned in the last pay Certificate and consequently the pay has not been attached after the transfer

26 The decree holder has now made Govt a party to the exec^n proceedings + seeks to enforce the liability under order 21 rule 46 cl (3).

27 The question is whether Govt is liable even when the warrant is returned to the Court & no further steps are taken by the decree holder to have it reissued to the proper disbursing officer, Govt would become liable for Or whether since due notice of attachment was given to the disbursing officer at French Rocks, & the attachment also was duly effected, it was not the duty of that officer to Communicate the fact of attachment-

Serial No.

to the other officers concerned, when the official was transfered and whether on account of the officer's failure to do this, Govt. can be held liable under cl (3) of order 21 rule 48 C.P. code.

78 Under this rule, the Court has to make an order of attachment and then serve notice of the same to the officer appointed in this behalf by Govt. in this case, it is the A.S.P. French Rocks (Vide × Notn of 23rd august 1913). When this is done, that officer or "other person whose duty it is to disburse Sm Salary or allowance" is bound to give effect to the order. Under cl (2) of the rule, the officer receiving the notice can return it to the court only when the attachable portion of the salary is already being withheld and every order of attachment unless it is returned on this account, binds the Govt. without further notice or other process".

79 The words underlined above indicate that the A.S.P. French Rocks (Mr Anderson) in not intimating the fact of attachment & in returning the process to the Court did not strictly act according to law. But it was any way open to the decreeholder in this case to have the mistake of the officer pointed out & the warrant reissued

× Flag 'H'

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

Since there are no decided cases on the exact point ~~it might be~~ arising in this case, it might be advisable to contest the claim & leave the matter for decision to the Court, instead of admitting the claim & paying it up without contest. If Govt is made to pay the amount claimed, the officer concerned will have to be held responsible under Circular of 31st March 1931 & the amount recovered from him in due course. 80 Notes on the question whether it is advisable to admit the claim as suggested by the PP or to contest it on the grounds mentioned above, the Govt Advocate may also be consulted.

GENERAL SECRETARY. 18 AUG. 1931 No. 1353

Gpl

P.O.d'.

Date of Rg 30/9/31

(Gen Secy) Rog 18/8/31

U.O. No. P 1593/31 dtd 18/8/31

Gpl To the Govt Advocate with compliments for favour of opinion.

18.8.31 Rog Revenue Gen Secy to Govt

Rog 18/8

GOVT. ADVOCATE'S OFFICE 18 AUG 1931 BANGALORE

Returned with compliments.

According to the letter of the Inspector-General of Police dated the 5th March 1931, the Court was intimated of the transfer of the clerk concerned on 29-6-1929.

From U.O. No. 24/31-32 dt 18.8.31

U.O. No. 24/31-32 dt 28.8.31

GENERAL SECRETARY. 28 AUG. 1931 No. 1353

The

Serial No.

83 The Court could then have easily sent the warrant of attachment to the officer to whose office the clerk concerned was transferred.

84 I am not aware of any rule which prescribes - that the officer to whom the warrant of attachment is sent ~~should~~ should, under such circumstances, intimate the fact of attachment of the salary to - the officer who thereafter disburses the clerk's - pay.

85 There are no decided cases one way or the other. As anyhow, the Government have denied their liability in the matter, it may be left for adjudication by - the Court.

Bangalore,)
25-8-1931.)

Government Advocate.

86 Draft accordingly for Pr, respdt

Dft to the Pr is pursuer for appt

I Member

87

GENERAL SECRETARIAT 31 AUG. 1931 No. 1520

OFFICE OF THE FIRST MEMBER OF COUNCIL 1 SEPT. 1931 No. 2235

TYPING SECTION 2 SEP. 1931 GNL. & REV. SECT.

WD 01684—GPB—30,000—20-4-29

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

To

The Pr. Mysore

No. P. 1495 dated 3.9.31 forwarding a copy of the Govt. Ad's opinion in the matter and informing that the decree holder's claim should be contested on the ground suggested therein.

B & Sur.

13.9.31

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

3768/30 p 839

Law 100 - 30 - 1

WD 2665—GPB—50,000—1-8-27

192

From

the Additional Sub-Judge.
Mysore.

To

the Chief Secretary to the
Government of Mysore,
Bangalore.

Dated 1 Jan 30

Despatched 27-1-31

Received

General No. 992.
No.

Enclosure No.

PRIVATE
CHIEF SECRETARY
JAN. 1931

989
28/1
Law 98/1

Sir,

I have the honour to state that in the cases noted in the margin, the decree-holders have applied for the Government to be brought on record before proceeding further, under the provisions of order 5 rule 30 of the Code of civil procedure, this latter is substituted for a summons that should have issued to Government. The facts of the case are briefly as follows:-

1 Sc 1866 of 27-28
Bam 1547 of 28-29
judgment-debtor,
S Ramanathiah
Clerk,
City magistrate's court
Bangalore city.

1 Sc 852/24-25
Bam 539/28-29 &
Bam 1181/30-31.
judgment-debtor
H. S. Bhaskara Rao.
Clerk,
police Superintendent's
office.
French-Rocks.

The decree holders in the cases referred to above, applied for attachment of the salaries of the judgment-debtors who are Government servants and whose addresses are given in the margin. Warrants for the attachment of salaries were duly issued to the disbursing officers concerned. The amounts that should have been attached and sent to this court, are not sent in spite of repeated reminders and even registered letters addressed to the

2nd
addr-

Address of the officers concerned. No reply is forthcoming to any of the reminders sent. The decree-holders have finally applied for the government to be brought on record and for the collection of amounts from government under rule 48 of order 21 of the civil procedure code.

I request you under the circumstances to kindly arrange for the representation of government in these cases by instructing the Public Prosecutor or somebody else to appear on behalf of government and to file objections, if any. The cases are posted to, 4-2-1931.

I have the honour to be

Sir,

your most obedient servant

Caghani

Additional Subordinate Judge.

Appendix F G—1

SUBJECT.....

.....

.....

Section Draft

File No. 100-30

Serial No. 2

Diary No. of letter replied to.....

No. Immediate 1467 C.R.

General and Revenue Secretariat

( )

the *193*

To The Dist. Mag^te Bangalore

Date of issue 2/2/31

Sir,

Signed by M. R.

I am directed to forward herewith a copy of the letter no 992 dated 27th Jan^y 1931 from the Add^l Sub-judge Mysore re: arrears of attached portion of the salary of one S. Ramanathaya Clerk City Mag^te's Court Bangalore Mysore, the judgment debtor in S.C. 1866 of 27-28 on the file of Ex^n 1895 of 29 of the Add^l Sub judge Mysore, and to request you to enquire and

List of enclosures.....

Copied by.....

Examined by.....

[over

report immediately why and under what Circumstances the disbursing officer has not complied with the Court's order for attachment of the salaries of the judgment debtor.

The matter may be treated as very urgent as the decree holder has already applied for the post being held liable for the ~~to be transferred~~ ~~reminder for the Collection of the~~ ~~deposit~~ amount under Rule 40 order 21 of the C. P. C. & the case is posted to 4. 2. 1931.

I have etc

J. S. D.
2/2

Law Secy
2/2

Immediate

5

2nd February 1931.

The District Magistrate,
B a n g a l o r e.

I am directed to forward herewith a copy of the letter No. 992 dated 27th January 1931 from the Additional Sub Judge, Mysore regarding arrears of attached portion of the salary of one S. Ramanathaiya Clerk, City Magistrate's Court, ~~Mysore~~ B'lore. the judgment debtor in S.C. 1866 of 27-28/Exn.1595 of 28-29 on the file of the Additional Sub Judge, Mysore, and to request you to enquire and report immediately why and under what circumstances the disbursing officer has not complied with the court warrant for the attachment of the salary of the judgment debtor.

The matter may be treated as very urgent as the decreeholder has already applied for the Government being held liable for the amount under Rule 48 Order 21 of the Civil Procedure Code and the case is posted to 4th February 1931.

I have the honor to be,
Sir,
Your most obedient servant,

For Legal Remembrancer and
Secy. to Govt. Law Deptt.

ISD

c.n.

6

Appendix F G—1

SUBJECT.....

.....

.....

11

Section Legal

File No. 100-30

Serial No. 3

Diary No. of letter replied to.....

No. Immediate 467/11,

General and Revenue Secretariat

( )

the 193 .

To Deputy Comr, Mysore

The ~~Dist. Mag.~~ ~~Mysore~~

~~D.S. of Police~~

Date of issue 2/2/31

Signed by M' Rly

Sir,

I am directed to forward herewith a Copy of the letter no 992 dated 29th Jan'y 1931 from the Addl Sub Judge Mysore re: the areas of the attached portion of the Sadaiya of one H.S. Bhaskara Rao, clerk Police Sup'ts office, French Rocks, the judgment debtor in

List of enclosures.....

Copied by.....

Examined by.....

SC. 852/30-31 on the file of

Exp. 539/29-30 the Addl Sub-judge

1124/30-31 Mysore

[over

and to request you to enquire immediately and report why and under what circumstances the decree holder has not complied with the Court warrant for the attachment of salary of the judgment debtor

The matter may be treated as very urgent as the decree holder has already applied for the ~~bail~~ ~~being held liable to be arrested~~ for ~~the attachment of~~ the amount under Rule 40 order 21 C.P.C & the case is posted to 4th Feb 1931. I have etc

JSD
Law Secy

Copy of the above is forwarded with Compts to the D.I.G. of Police for information.

4674

Immediate

8

2nd February 1931

The Deputy Commissioner,

M y s o r e.

I am directed to forward herewith a copy of the letter No. 992 dated 27th January 1931 from the Additional Sub Judge, Mysore regarding the arrears of the attached portion of the salary of one H.S.Bhaskara Rao, Clerk, Police Superintendent's Office French Rocks, the judgment debtor in S.C. 852/24-25, Exn.539/28-29 1121 of 30-31 on the file of the Additional Sub Judge Mysore and to request you to enquire and report immediately why and under what circumstances the disbursing officer has not complied with the court warrant for the attachment of salaries of the -- judgment debtor.

The matter may be treated as very urgent as the decree holder has already applied for the Government being held liable for the amount under Rule 48 Order 21 Civil Procedure Code and the case is posted to 4th February 1931.

I have the honor to be,

Sir,

Your most obedient servant,

Sd/-P.Mahadevayya.

Exr Legal Remembrancer and
Secy. to Govt.Law Deptt.

Memo No.P.

C.n. Copy of the above is forwarded with compliments to the Inspector General of Police for information.

By Order,

For Legal Remembrancer and
Secy. to Govt.Law Deptt.

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193

Date of issue 2/2/31

Signed by.....

List of enclosures 1) S.C 1866 of 27-28 / Sr 1595 of 28-29
2) S.C 852 of 29-30 / Sr 539 of 28-29 / 1121/30-31

Copied by.....

Examined by.....

111

Section Learn

File No. 100-30

Serial No. 4

No. 4673 (L)

To

The Pr, mupore

Sir,

I am directed to forward herewith copy of letter No: 992 dated 27th Jan 1931 from the Addl Sub-Magte, mupore and to request you to appear for post in the two marginally noted cases mentioned therein on 4-2-1931.

The Dt magte Bangalore & the D.C. mupore have been addressed today in the matter to enquire & report

over

WD02327—GPB—5,000—15-4-30

atonee as to the circumstance under which the warrants of attachment have not been drawn by the disbursing officers concerned.

Pending receipt of their reports I am to request you to kindly have an entry in the cases on 4.2.1931 & report the same to this office for information

Yours

D/-

Legal

DDM
7/2

Copy to the Addl Subjudge for info w.r.t his letter No. 992 of 27.1.31

P 4

11

2nd February 1931.

The Public Prosecutor,
Mysore.

I am directed to forward herewith copy of letter No. 992 dated 27th January 1931 from the Additional Sub Judge, Mysore and to request you to appear for Government in the two marginally noted cases mentioned therein on 4th February 1931.

1. S.C. 1866 of 27-28/Ex.1595 of 28-29. 2. S.C. 852 of 24-25/Ex.539 of 28-29 and 1121/30-31.	The District Magistrate Bangalore and the Deputy Commissioner, Mysore have

been addressed to day in the matters to enquire and report -- at once as to the circumstances under which the warrants of attachment have not been obeyed by the Disbursing Officers concerned.

Pending receipt of their reports I am to request you to kindly take an adjournment in the cases on 4th February 1931 and report the same to this office for information.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- P.Mahadevayya.
For Legal Remembrancer and
Secy. to Govt.Law Deptt.

c.n.

Memo No.P.

Copy of the above is forwarded to the Additional Sub Judge for information with reference to his letter No 992 of 27th January 1931.

By Order,

For Legal Remembrancer and
Secy. to Govt.Law Deptt.

ISD

POLICE DEPARTMENT

4265 72

Tel. Address :
"ALACRIS"

PHONE NO. 298

No. D2 Dis 2661/30
Encs. One

OFFICE OF THE INSPECTOR-GENERAL OF POLICE
IN MYSORE,

Dated Bangalore, the 5th March *193* 1.

From

F. A. HAMILTON, ESQ., C.I.E.,
INSPECTOR-GENERAL OF POLICE IN MYSORE,
BANGALORE.

To

P. Mahadevayya, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Law Department.

SIR,

With reference to your memo No.P.4672 dated 2-2-1931 regarding the arrears of the attached portion of the salary of one H.S.Bhasker Rao, clerk, District Police Superintendent's Office, French Rocks, I have the honor to forward herewith for the information of Government a copy of letter No.235 dated 28-2-1931 from the District Superintendent of Police, French Rocks, explaining the facts of the case. As at the time the warrant was received the official had been transferred from the District Police Superintendent's Office as Tester of Weights and Measures, the warrant could not be executed. The Additional Sub Judge, Mysore is reported to have been intimated of this fact on 29-6-1929. The official is now working in the office of the - Assistant Superintendent of Police, Mysore City.

I have the honor to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE

Letter No.235 dated the 28th February 1931 from the District Superintendent of Police, French Rocks, to the Inspector General of Police in Mysore.

With reference to your No.C.1861/30 dated 24-2-1931 forwarding the explanation of Clerk Bhaskara Rao ~~of~~ for remarks regarding his pay attachment warrant, I have the honor to state that it is seen from the office references that Clerk Bhaskara Rao who was transferred to Mysore City as Tester of weights and measures vide Deputy Commissioner's order No.Gl.767 of 28-29 dated 11-6-1929 was relieved of his duties on 13-6-1929 and the pay attachment warrant which was said to have been received in this office on 5-6-1929 was returned to the Additional Sub Judge,Mysore on 29-6-1929 stating therein, "Returned with compliments to the Additional Sub Judge, Mysore, as Jamadar Bhaskara Rao has been transferred to Mysore as a Tester of weights and measures etc.,

Sd. J.F.Anderson.

As the pay attachment warrant was returned to the Court concerned intimating the transfer of the Clerk, no amount could be deducted in this office.

COPY

G. Lakshmiappa

For Inspector General of Police.

Sue/573

14

CONFIDENTIAL & IMMEDIATE.

In all future communications please quote
No. B.3.:M.-80/30-31
Enc 6

Tel. Address.—"DEPCOM"
Post Box No 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated, Bangalore, the ....6th..March.....*1931*.

4278

FROM Moin-ul-Vizarath
A. K. Syed Taj Peeran, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

N. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of Mysore,
B a n g a l o r e.

CHIEF SECRETARY 7 MAR 1931

SIR,

Subject:—

I have the honour to forward herewith for information a copy of my letter No. B.3. M. 80/30-31 dated the 2nd March 1931 addressed to the Secretary to Government, Law Department, Bangalore, re. the arrears of attached portion of the salary of Mr. S. Ramanathia, Head Clerk, City Magistrate's Court, Bangalore.

I have the honour to be
Sir,
Your most obedient servant

Deputy Commissioner,
Bangalore District.

SRD/6-3-31.

15

CONFIDENTIAL & IMMEDIATE.

In all future communications please quote
No.....
Enc

Tel. Address.—"DEPCOM"
Post Box No 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated, Bangalore, the 6th March 193 1.

FROM

Moin-ul-Vizarath
A. K. Syed Taj Peeran, Esq., B.A.,
Deputy Commissioner
Bangalore District.

To

P. Mahadeviah, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Law Department,
Bangalore.

SIR,

Subject:—

Salary attachment of Mr. S. Ramanathia, Head Clerk, City Magistrate's Court, Bangalore in S.C. 186/27-28 Exn. 1595/28-29 on the file of the Additional - Subordinate Judge, Mysore.

With reference to your letter No, P. 4670 (1) Law, dated the 2nd February 1931 forwarding a copy of letter No. 992 dated the 27th January 1931 from the Additional Sub Judge, Mysore regarding the arrears of attached portion of the salary of Mr. S. Ramanathia, Head Clerk, City Magistrate's Court, Bangalore, the judgment debtor in S.C. No. 186 of 27-28 Exn. 1595 of 28-29 on the file of the Additional Sub Judge, Mysore, and calling for a report as to why and under what circumstances the disbursing Officer has not complied with the Court warrant for the attachment of the salary of the Judgment Debtor etc., I have the honour to forward herewith copies of the marginally noted communications and to state as follows

1. Letter No. 738 dated 3-2-1931 from the City Magistrate to the Deputy Commissioner.
2. Letter No. 1068 dated 14-2-1931 from the Additional Sub Judge, Mysore, to the Deputy Commissioner.
3. Letter No. 800 dated 18-2-1931 from the City Magistrate to the Deputy Commissioner.
4. Letter No. 257 dated 8/10-11-1930 from the Munsiff, Closepet to the Deputy Commissioner.
5. Letter No. 730/30-31 dated 31-1-1931 from the City Magistrate to the Deputy Commissioner.

2. On receipt of your letter of the 2nd February 1931, the City - Magistrate, Bangalo was requested to enquire into the matter and furnish a report on the points referred to in your com-

In reply the City Magistrate intimated in his letter No. 738 dated 3-2-31 that he was not aware of the receipt of the warrant in question and that there was no reference in the registers of his Office indicating its receipt. He therefore requested to be furnished with information as to the number and date of the reference with which the salary attachment warrant was sent in order to enable him to trace the same in his office. The Additional Sub Judge, Mysore was then addressed to furnish the particulars required by the City Magistrate, Bangalore.

3. In response to the above communication, the Additional Sub Judge, Mysore intimated in his letter No. 1068 dated 14-2-31 that a salary attachment warrant against Mr. S. Ramanathaia was sent with his No XX 7776 dated 13-2-1929 for service and return, that as it was not returned at all a fresh warrant of attachment was sent with No. xx 9871 dated the 16th May 1929 by Registered Post and a Postal acknowledgment was received with the signature of one B. Ramaswamia on 23-5-1929, that neither the attached amount nor the original warrant was received from the Magistrate. that a D.O. letter was therefore sent to the Personal address of the City Magistrate, Mr. G. Mallikarjunia, B.A., by Registered Post with No. 855 dated 1-3-1930. that a reminder was again sent also by Registered Post with No. 1204 dated 18-6-1930 and that neither of them was acknowledged nor [illegible]. He also added that the clerk concerned or somebody in the Office had been [illegible] all communications sent, including those sent by Registered Post and was suppressing them to avoid attachment of salary.

4. Copy of the above letter and copies of D.O. letter dated 1-3-1930 and reminder dated 18-6-1930 received from the Additional Sub Judge, were sent to the City Magistrate, Bangalore for making enquiries and submitting a report.

5. It may be mentioned here that prior to the receipt of your letter under reply, the Munsiff of Closepet intimated in his letter No. 257 dated 8-11-1930 (Copy enclosed) that two salary attachment warrants Nos. 7874 and 7875 dated the 30th April 1929 were issued to the City Magistrate, Bangalore in S.C. 229/28-29 Exn. 834/28-29 and S.C. 346/28-29 Exn. 846/28-29 on the file of his Court against Mr. S. Ramanathia, Judgment Debtor in the above said suits, that a reminder was issued to the Magistrate with No. 651

dated 14-3-1930 and subsequently 2 D.O. letters dated 23-7-30 and 11-10-1930 were also sent to the Personal Address of the Presiding Officer in the matter, that neither the attachment warrants nor the amounts attached were sent to the Court and that there was no reply to any of the communications sent from the Court. He therefore requested this Office to make enquiries in the matter and arrange for the very early remittance of the amounts attached - hitherto out of the official's pay as the decree holders in the cases were pressing for payment.

6. The City Magistrate, Manglore, was then requested in this Office Memo No. B.3-61. 8033 dated 14-11-1930 to obtain and forward the explanation of the official concerned with a report as to the circumstances under which the Disbursing Officer did not comply with the Court warrant for the attachment of the salary of the Judgment Debtor. This reference was despatched to his personal address and acknowledged by Mutchi A. Sitharamia. On a further communication from the Munsiff on the same subject I made a surprise visit to the Court on 10-12-1930 and ordered Mr. Ramanathia to be placed under suspension for suppression of the salary attachment warrants issued from the Munsiff's Court, Closepet. This official is under suspension from 23-12-1930.

7. As the cover bearing No. G1. 8033 sent to the personal address of the Magistrate and acknowledged by the Mutchi on 15-11-1930 was ascertained to have not been submitted to the Magistrate, he was asked to obtain and submit the explanation of the Mutchi also.

8. Copies of the replies received from the City Magistrate together with the explanations of Mr. C. Ramanathia, C. Ramaswamia and Mutchi Seetharamia in original are submitted herewith.

1. Letter No. 800 dated 18-2-31.
2. Letter No. 730/30-31 dated 31--1--31.

9. From a perusal of the explanations of Mr. C. Ramanathia it could be seen that he has totally denied the receipt of the attachment warrants and reminders etc., from the Courts of the Additional Subordinate Judge, Mysore and the Munsiff, Closepet.

10. As regards the registered cover sent from the Court of the Additional Sub Judge, Mysore and acknowledged by C. Ramaswamia,

he (Ramaswamia) states that the said cover which might have been received by him was as usual handed over to the Head Clerk Mr. - Ramanathia. The Head Clerk Mr. Ramanathia states in his explanation that the said cover was not at all handed over to him nor was he informed of it and adds that Ramaswamia had never been entrusted with the responsibility of receiving tappal brought by the Postman and much less of receiving even registered covers and that he - cannot therefore say why he should have received this particular cover.

11. As regards the cover bearing No. B.3-Gl. 8033/30-31 dated 14-11-1930, despatched to the Personal address of the Magistrate. Seetharamia, Mutchi, has stated in his explanation that he handed it over to the Head Clerk Mr. Ramanathia. But when the Magistrate questioned him he orally stated that he sent it with the peon who brought the cover, to the Head Clerk. Mr. Ramanathia says that under circumstances represented in para 3 of his explanation, he and Mutchi Seetharamia are not on good terms with each other and that the cover was not handed over to him etc.

12. The City Magistrate states among other things that although it is somewhat doubtful if Mr. Ramanathia suppressed the aforesaid cover acknowledged by Seetharamia there is no doubt that he suppressed the pay attachment warrants and the subsequent reminders and D.O. letters of both the Courts viz., the Additional Sub Judges Court, Mysore and the Munsiff's Court, Closepet, and for reasons explained in para 4 of his letter No. 730/30-31 dated 31-1-31 he recommends that Mr. Ramanathia may be dealt with leniently and - transferred to a less responsible Ministerial Officer.

13. From a perusal of the reports received from the City Magistrate, it can be seen that there is want of supervision and laxity in the method of receiving the tappal and opening them and that too much latitude appears to have been given to the Head Clerk as can be seen by the series of personally addressed and registered letters being suppressed by him. The Presiding Magistrate ought to get the Tappal in a closed bag and have it opened under his - supervision which precaution has been utterly neglected.

14. The position taken by Mr. Ramanathia that he did not

not at all receive the warrants and subsequent letters on the subject has made his case worse. When I first questioned him about the warrant issued from the Closepet Munsiff, he was non-plussed and was about to confess, but soon after he changed. These warrants are affecting his own salary and no body else will take the risk or suppressing them as they did not concern him. It is extremely - dangerous to allow such a person to be in service seeing that he is heavily involved and who has been guilty of suppressing official correspondence and Court Warrants and thereby involving Government in litigation. He requires summary dismissal, but having regard for his long service I would recommend that he may be retired from service from the date on which he was relieved and a compassionate allowance sanctioned to him. I would also add that he is strong and can get on in some other line.

15. I may here mention that 2 attachment warrants in - respect of 2 cases of the Closepet Munsiff's Court are still pending execution and the parties in the suits are pressing for payme through the Munsiff. In the case relating to the Additional Sub Judge's Court, Mysore the Decree Holder has already applied to the Court for the Government being held liable for the amount. In these circumstances and in view of the fact that Mr. S. Ramanathia has drawn all the pay due to him until the date of his relief, I request you to kindly obtain the instructions of Government as to how the above mentioned warrants could be executed and also what further steps have to be taken by this Office to safeguard the interests of Government.

16. The favour of a very early reply is requested.

I have the honour to be
Sir,
Your most obedient servant,

Sd/- A. K. Syed Taj Peeran.
Deputy Commissioner,
Bangalore District.

SRD/6-3-31. "Copy"

Deputy Commissioner,
Bangalore District.

Copy of letter No. 738 dated the 3rd February 1931, from the City Magistrate, Bangalore, to the Deputy Commissioner, Bangalore District.

With reference to your memo No. "A.M. 80/30-31 dated 3rd instant in re. the salary attachment warrant issued against S. Ramanathiah, Head Clerk of this Court by the Additional Sub Judge, Mysore, in S.C. 1866-27-28/Exn. 1595/28-29 on the file of his Court, I have the honour to state that the under-singed is not aware of the receipt of the warrant in question and that there is no reference in the registers of this office indicating its receipt

2. If the number and date of despatch of the warrant from the Court of the Additional Sub Judge, Mysore, be furnished, efforts will be made to trace it in this Office.

"Copy"

Deputy Commissioner,
Bangalore District.

SRD/6-3-31.

Copy of letter No. 1068 dated the 14th February 1931, from the Additional Subordinate Judge, Mysore, to the Deputy Commissioner, Bangalore District.

With reference to your No. B.3.M. 80/30-31 dated 5-2-31, asking for the No. and date of attachment warrant sent to the City Magistrate, I have the honour to state as follows:-

A salary attachment warrant against S. Ramanathiah, Clerk City Magistrate's Court, Bangalore was sent with this Office XX No. 7776 dated 13-2-1929 for service and return. It was not returned at all and so a fresh warrant of attachment was sent with this Office No. XX 9871 dated 16-5-1929 by registered post to the address of the City Magistrate, Bangalore and a postal acknowledgment is received with the signature of one B. Ramaswamiah on - 23-5-1929.

Neither the attached amount nor the original warrant were received, and a D.O. letter was sent to the personal address of the then City Magistrate Mr. G. Mallikarjuniah, B.A., by registered Post with this Office To. No. 855 dated 1-3-1930 and a subsequent reminder was also sent by registered post with this Office To No 1204 dated 18-6-1930. Neither of these is acknowledged nor a reply sent. Copies of the D.O. and the reminder sent by registered post are enclosed.

It is apprehended that the Clerk concerned or somebody in the Office has been receiving all communications sent, including those by registered post and is suppressing them to avoid attachment of salary.

" C o p y "

Deputy Commissioner,
Bangalore District,

SRD/6-3-31.

Copy of letter No. 800 dated the 18th February 1931, from the City Magistrate, Bangalore to the Deputy Commissioner, Bangalore District.

With reference to your No. B.3.M.80/30-31 dated 17-2-1931 in re. salary attachment of Mr. S. Ramanathiah of this Court, I have the honour to state that neither the salary attachment warrants nor the subsequent reminders referred to in letter No. 1068 dated 14-2-1931 addressed to you by the Additional Sub Judge, Mysore, are traced in this Office. They were not submitted to me by Mr. S. Ramanathiah after I took charge of this Court on 13-1-1930.

The Postman comes to this Office at about noon every day and delivers all tappal registered or otherwise to the Head Clerk or in his absence to one of the other clerks. The presiding Magistrate will at the time be on his seat attending to Court work. - Except letter to the personal address of the Magistrate all tappal is opened by the Head Clerk and sent to the Magistrate who looks into them whenever he finds time during Court work. It is therefore quite easy for the Head Clerk to suppress any reference which he does not like to submit to the presiding Officer.

In the case of the fresh warrant of attachment sent by - registered post with the Additional Subordinate Judge's XX No. 9871 dated 16-5-1929 said to have been acknowledged by B. Ramaswamiah, 3rd Clerk of this Court on 23-5-1929, his explanation is that the registered cover which might have been received by him was as usual handed over to the Head Clerk, Mr. S. Ramanathiah. His explanation is herein enclosed.

There is in the circumstances no room to doubt that Mr. S. Ramanathiah has suppressed the salary attachment warrants in question.

If you think it desirable to consult the then presiding - Magistrates of this Court I am to state for favour of your information that Mr. C. Narayanaswami Naidu, Sub-Judge, was in charge of this Court from 10-9-1923 to 16-9-1929 and in June 1928 when the first salary attachment warrant was sent to this Court with the - Additi nal Subordinate Judge's No. XX 7239, dated 22-6-1928. Mr. M. Sadasiva Rao, Senior Assistant Commissioner, was the City Magistrate

Magistrate. From 16-9-1929 to 13-1-1930 Mr. M. Venkatesa Iyengar, Census Superintendent, was the presiding Magistrate of this Court.

Copies of D.O.letter and the reminder sent to you with his letter No. 1068, dated 14-2-1931 by the Additional Subordinate Judge, Mysore, are returned herewith.

Copy"

Deputy Commissioner,
Bangalore District.

SRD/6-3-1931.

Copy of letter No. 257 dated the 10th November 1930, from the Munsiff Magistrate, Closepet, to the Deputy Commissioner, - Bangalore District.

I have the honour to state that this Court issued two pay attachment warrants Nos. xx 7874 and 7875 dated 3-4-1929 in the cases noted in the margin against one S. Ramanathia, Clerk in the City Magistrate's Court, Bangalore. A reminder was issued to the City Magistrate With No. 651 dated 14-6-1930 and -

1. Case No. S.C. 229/28-29 Ex. 834/28-29 - Rs 83/-
2. " S.C. 346/28-29 Ex. 846/28-29 . Rs 55/-

1. L.C.Srinivasiah
VS
S. Ramanathiah,

2. Krishniah
VS
S. Ramanathia.

subsequently two D.O. letters dated 26-7-30 and 11-10-30 were also sent to the personal address of the presiding Officer in the matter. Neither the attadhment warrants returned nor the amounts attached were sent to this Court and that there was also no reply to any of the above correspondence till now.

I, therefore, request you to kindly make necessary enquiries in the matter and cause a very ~~exxily~~ early remittance of the amounts attached hitherto out of the officials pay as the Decree-holders in the cases are very hardly pressing for the amounts.

" C o p y "

Deputy Commissioner,
Bangalore District.

SRD/6-3-31.

Copy of letter No. 730/30-31 dated the 31st January 1931 from the City Magistrate, Bangalore to the Deputy Commissioner, Bangalore District.

With reference to the correspondence ending with my D.O. letter No. 675/30-31 dated 24-1-1931 in re. the suspension of Mr. S. Ramanathiah, Head Clerk of this Court in connection with the suppression of 2 pay attachment warrants sent to this Court by the Munsiff of Closepet with his Nos. 7874 and 7875 dated 3-4-1929 when Mr. C. Narayanaswami Naidu was City Magistrate, I have the honour to state that there is no reference in the " From " register of this Office to indicate the receipt of either the said warrants or the subsequent reminder No. 651 dated 14-6-1930 and two D.O. lettersdated 26-7-1930 and 11-10-1930 respectively said to have been sent by the Munsiff to my personal address nor was any of the above references submitted to me by Mr. S. Ramanathiah.

2. A cover containing letter No. 257 dated 8-11-1930 from the Closepet Munsiff to the Deputy Commissioner in the matter has been sent " Muddam " to this Court on 15-11-1930 to my personal address and the receipt of it has been acknowledged by Mutchi A. Seetharamiah who says in his written explanation that he handed over to Mr. S. Ramanathiah. But when I questioned him he stated orally that he sent it with thepeon who brought the cover to the Head Clerk. The practice in this Court is when the Head Clerk is in Office he receives all appa sent by post or muddam. So Mr. S. Ramanathiah was not probably present in the Office when the cover was rought for delivery by the District Office. Granting that Mutchi Seetharamiah handed over the cover to the Head Clerk, it is difficult to say if it was possible for Mr. Ramanathiah to know that it contained copy of Munsiff's letter to you in connection with the pay attachment warrants. A number of letters used to be frequently sent to my personal address from your Office and he used to invariably submit them to me. Although it is somewhat doubtful if Mr. Ramanathiah suppressed the cover sent to my personal address from your Office on 15-11-1930, there is no doubt that he suppressed the warrants in question and the subsequent reminders sent

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sent by the Closepet Munsiff.

3. A warrant for attachment of his was received from the Small Cause Court, Bangalore, and another from the Registrar of Co-operative Societies after I took charge of this Court in January 1930. He submitted them to me and a moiety of his pay was being deducted in execution of the said warrants. In the Circumstances Mr. Ramanathiah probably thought that if the warrants sent by the Closepet Munsiff came to my notice, action would be taken to remove him from the responsible post of Head Clerk of this Court on account of his heavy indebtedness. When he thoughtlessly suppressed the warrants received during the time of Mr. C. Narayanaswami Naidu he has evidently thought it dangerous for him to submit the reminders to me.

4. I have known Mr. Ramanathiah as Head Clerk of this Court since January 1930 when I took charge of it and found him prompt, diligent and hardworking in the discharge of his onerous and responsible duties. He has put in nearly 20 years of service and I understand that he has a large family to support. He appears to have run into debts to provide for the education of his daughter and son-in-law both of whom, I hear have appeared for the M.A. Degree Examination. I therefore request that he may be dealt with leniently and transferred to a less responsible ministerial Office carrying a pay of Rs 50/- his present pay being Rs 55/- per mensem.

5. He is under suppension from 23-12-1930 and has since completely handed over charge to his successor. I request that, having regard to his poverty the order of suspension may be cancelled and the period of his absence may be treated as privilege leave which he is entitled to.

6. In this connection I should like to point out that Mr. S. Ramanathiah was appointed Head Clerk of this Court without taking from him the necessary security deposit.

7. His explanation, character book and Service Register are herewith enclosed.

"Copy"

Deputy Commissioner,
Bangalore District.

SRD/6-3-31.

435893 P 3427

No.472/Encls.two. Mysore, dated 11th March 31

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Department, Bangalore.

1. S. C. 1866 of 27-28; Ex:1595/28-29.

2. S. C. 852 of 24-25; Ex:539/28-29
and 1121/30-31.

Sir,

With reference to your letter No.P.4673(1)Law dated 2-2-31 instructing me to appear for Government in the cases noted above and to take time for objections, I have the honour to report that the cases are finally adjourned till 1-4-31, and to request that necessary instructions may be issued early so that the objections if any may be stated to Court on the date of hearing.

Two vakalatnamas to be filed in the abovesaid cases are submitted for the signature of the Chief Secretary. They may be signed and returned.

I have the honour to be,
S i r,
Your most obedient servant.

Public Prosecutor,
Mysore Division.

Appendix F G—1

SUBJECT.....

.....

.....

Section Leases

File No. 100-30

Diary No. of letter replied to.....

Serial No. 9

No. 5785 (2)

General and Revenue Secretariat

( )

the *193*

To

The PPr. Mysore

Date of issue 16/8/31

Sir,

In returning herewith the two Mukalatnamas duly signed by the Ch. Sec.y, to be filed in 1. S.C. 1566 of 27-28 ; Ex: 1595/28-29 2. S.C. 852 of 28-25 ; Ex: 539/28-29 and 1121/30-31 on the file of the Add.l Subjudge Mysore, forwarded with your letter no 471 dated 11th March 1931, I am directed to request you to obtain and send me Copies of the applications filed by the decree holders in the aforesaid Cases

I have etc

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

WD 02550—GPB—25,000—25-6-30

ISP. 14/3

16/3 L 2r

29

16th March 1931.

The Public Prosecutor,
M y s o r e.

In returning herewith the two vakalatnamas duly signed by the Chief Secretary to be filed in 1.S.C.1866 of 27-28; Ex. 1595/28-29 2.S.C.852 of 24-25;Ex.539 of 28-2 and 1121 of 30-31 on the file of the Additional Sub Judge Mysore, forwarded with your letter No. 472 dated 11th March 1931, I am directed to request you to obtain and sen immediately the copies of the applications filed by the decree holders in the said cases.

I have the honor to be,
Sir,
Your most obedient servant

For Legal Remembrancer and
Secretary to Govt.Law Dep

c.n.

4462-P 30

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to Govt.
of H.H.the Maharaja
of Mysore,
Law Department,
Bangalore.

Dated 18-3-31.
Despatched 18-3-31.
Received.
General No.494.
No.
Enclosure No.two.

Sir,

As directed in your letter No.P.5785(2) dated 16-3-31, I have the honour to submit for your perusal

perusal copies of execution petitions in S.C.1866 of 27-28 and S. C. 852 of 24-25 on the file of the Additional Subordinate Judge, Mysore

The execution cases are for hearing on 1-4-31 before which date definite insturctions may kindly issue to enable me to state my objections, if any, to the petitions.

I have the honour to be,

S i r,

Your most obedient servant.

Public Prosecutor

Mysore Division

TWO ANNAS

GOVERNMENT OF MYSORE

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32

(ನಮೂನೆ)

ಸಂಖ್ಯೆ ಕೆ-೪೫

1928 - ನೇ ಸಾಲಿನಲ್ಲಿ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ತಾಲ್ಲೂಕಿನ 15 ನೇ.

ಹೋಬಳಿಯಲ್ಲಿ ಅಂಚೆ ಪೆಟ್ಟಿಗೆಗಳನ್ನು ಇಡಲಾಗಿದೆ.

1. ಪೆಟ್ಟಿಗೆಯ ಸಂಖ್ಯೆ. ಸ. ಸಂ. 1866 ಗೆ 2) - 28.

2. ಪೆಟ್ಟಿಗೆಯನ್ನು ಇಡುವ ಸ್ಥಳದ ಹೆಸರು. ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಪೇಟೆಯ ಪೋಸ್ಟ್ ಆಫೀಸಿನ ಮುಂದೆ.

3. ಪೆಟ್ಟಿಗೆ ಇಟ್ಟ ದಿನಾಂಕ. 7 - 11 - 28.

4. ಪೆಟ್ಟಿಗೆಯ ವಿವರ. —

5. ಪೆಟ್ಟಿಗೆಯ ಮೇಲೆ ಮಾಡಿರುವ ಬರಹ. ಅಂಚೆ ಪೆಟ್ಟಿಗೆ ದಿನಾಂಕ ೭ ನೇ.

6. ಪೆಟ್ಟಿಗೆಯನ್ನು ಇಡುವ ಸ್ಥಳದ ವಿವರ. —

7. ಪೆಟ್ಟಿಗೆಯ ಕೀಲಿಯ ವಿವರ. ಪೆಟ್ಟಿಗೆಗಳು — 190-0-0

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TWO ANNAS

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GOVERNMENT OF MYSORE

8

10. ಮೇಲಿನ ಪ್ರಮಾಣಗಳು:— ಮೇಲ್ಕಂಡ ಪತ್ರಿಕೆಗಳಂತೆ

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MYSORE

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ಪಿರ್ಯಾದಿಯವರಲ್ಲಿ ಸಿವಿಲ್ ವ್ಯಾಜ್ಯ ಪ್ರೊಸೀಜರ್ ಕೋಡಿನ ಪ್ರಕಾರ ಅಗತ್ಯವಿರುವ ಪ್ರಕ್ರಿಯೆಗಳನ್ನು ಜಾರಿಗೊಳಿಸಿ ಆಸ್ತಿಯನ್ನು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳಲು ಅಧಿಕಾರವಿರುವುದಾಗಿ ಆದೇಶಿಸಿ ಆಜ್ಞೆ ಮಾಡಿರುವುದಾಗಿ ತಿಳಿಸಿದೆ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಸಿವಿಲ್ ವ್ಯಾಜ್ಯ ಪ್ರೊಸೀಜರ್ ಕೋಡಿನ

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TWO ANNAS ಎರಡು ಆಣೆ MYSORE

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By Asst. Emn appn 0-12-0

C.R No: 4346

ಮೈಸೂರು ಅರಸರ ಅಧೀನದಲ್ಲಿರುವ ಚಿಕ್ಕದೇವರಾಜ ಅರಸು ಅವರ ಹೆಸರಿಗೆ ಇರುವ ಜಹಗೀರು ಗ್ರಾಮಗಳ ಸಂಬಂಧವಾಗಿ ಮಾಡಿಕೊಂಡಿರುವ ಒಪ್ಪಂದ ಪತ್ರ.

27-11-30

1930-1931ನೇ ಸಾಲಿನ ವಿಚಾರಣೆ ನಂಬರು 121

ಪಿರ್ಯಾದಿಯವರಾದ ಎ.ಕೆ. ರಂಗಯ್ಯಂಗಾರ್ ಆದವರನ್ನು ಪಿರ್ಯಾದಿ ಎಂದೂ ಮತ್ತು ವಿಚಾರಣೆಯನ್ನು ಪಿರ್ಯಾದಿ ಮಾಡಿಕೊಂಡಿದೆ.

ಪ್ರತಿವಾದಿಯವರು ಇಲಿಸ್ಟ್ರೇಟೆಡ್ ವೀಕ್ಲಿ ಸಂ: 852/1924-25

ಪಿರ್ಯಾದಿ ಹೇಳಿಕೆ ಸಾರಾಂಶ

ಮೈಸೂರು ಸಿವಿಲ್ ಸರ್ವೀಸಿನವರಾಗಿದ್ದು ಈಗ ಪೆನ್ಷನ್ ತೆಗೆದುಕೊಂಡಿರುವ ಕಾಮ್ಸೆ ಎಂಬುವವರು ಸಾಕ್ಷಿ ಹೇಳಿದರು.

ಪ್ರತಿವಾದಿ ಹೇಳಿಕೆ ಸಾರಾಂಶ

ಮೈಸೂರು ಸಿವಿಲ್ ಸರ್ವೀಸಿನವರಾಗಿದ್ದು ಪೆನ್ಷನ್ ತೆಗೆದುಕೊಂಡಿರುವ ಎಲ್ಲಾ ಸಾಕ್ಷಿಗಳನ್ನು ಪ್ರತಿವಾದಿಯವರು ಸಾಕ್ಷಿ ಹೇಳಿದರು. ಸಾಕ್ಷಿಯಲ್ಲಿ ಹೇಳಿರುವ ಅಂಶಗಳೆಲ್ಲಾ ಇಲ್ಲಿ ಬರೆಯಲಾಗಿದೆ.

(ಬ) ಮೈಸೂರು ಸಿವಿಲ್ ಸರ್ವೀಸಿನವರಾಗಿದ್ದು ಈಗ ಪೆನ್ಷನ್ ತೆಗೆದುಕೊಂಡಿರುವ H. ನಿಂಗಪ್ಪನವರು ಸಾಕ್ಷಿ ಹೇಳಿದರು. ಸಾರಾಂಶವನ್ನು ಇಲ್ಲಿ ಬರೆಯಲಾಗಿದೆ.

ಪಿರ್ಯಾದಿ ಸಾಕ್ಷಿಗಳ ಹೆಸರು ವಿವರ

ಪ್ರತಿವಾದಿ ಸಾಕ್ಷಿಗಳ ಹೆಸರು ವಿವರ

ಪಿರ್ಯಾದಿ ಹೇಳಿಕೆ ಸಾರಾಂಶ

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5 ಮಂಜಿಕೆಲ್ಲಿಂದ ಸಿವಮಾನಗಳು

ಕ್ಷ 7-6-26 ರಲ್ಲಿ 10-0-0

ಕ್ಷ 27-8-29 ರಲ್ಲಿ 10-0-0 through court cheque by attachement of pay

ಚಲನ್ 20-0-0

6 ಹಿಂದಿಬಾಕಿಗೆ ಕೊಂಪ್ಲೆಅರ್ಜಿ ಗಳಿಗೆಂಬಲು ಕಾರ್ಯಾಲಯ ಶಿಫಾರಸ್ಸಿನಂಥ ಪರ್ಯಾಯ.

ಅರ್ಜಿದಾರಂಬಾಳು	ದಾಖಲು	ನಮ
ಈ ಇಂ: 378/25-26	28-8-25	4-7-28 ✓
ಈ ಇಂ: 539/28-29.	24-8-28	10-7-29 ✓

Pg 165-12-0 allowed

7 ಡಿಕ್ರಿಯಲ್ಲಿಕೆಂ ಬೆಳಂಬಾಲು ಸ್ವೀಕರಣದಿಂದಾರ ಬಾಕ್ಕಿ ಕಟ್ಟಿಕ್ಕೊಳ್ಳದಿ ಡಿಕ್ರಿಗಳ ಶರವಿಗೆ

ಡಿಕ್ರಿಯಲ್ಲಿಕೆಂ ಬೆಳಂಬಾಲು ಲು ಆ ಫೈ, 116-12-0

ಬಾಕ್ಕಿ 16-12-24 ರಲ್ಲಾ 2-3-25 ರವರಿಗೆ ರಾಂಧನಂಕೆಯೂ ಕ್ಷ 2-3-25 ರಲ್ಲಾ 27 11/30 ರವರಿಗೆ ಕಾಗ ~~ಆಕ್ಕೆ~~ 6-0-0 ಲು ನಂಕೆಯೂ 33-11-11 ಆದಬಾಕ್ಕಿ.

ಚಲನ್ 150-7-11

8 ಮಿಚ್ಚುಗಳ ವಿವರ

ಅಲಸಿಕೊಂಡ ಪೈರ್ಗಿಖಾರ್ಚು	18-8-0
ಇದರಬಾಕ್ಕಿ — —	0-0-0
ಅವಿಲಸಿಕೊಂಡ್ಡಪೈರ್ಗಿಖಾರ್ಚು	0-0-0
ಇದರಬಾಕ್ಕಿ — —	0-0-0
ಎರಡನ್ನೆ ಅವಿಲಸಿಕೊಂಡ್ಡಪೈರ್ಗಿ ಖಾರ್ಚು	0-0-0
ಊಂಗಿಸಚಾರಿಖಾರ್ಚು	0-12-0
ಹಿಂದಿನಚಾರಿಖರ್ಚು	~~13-8-0~~ 11-4-0
ಡಿಕ್ರಿಪೈವಿ ಖಾರ್ಚು —	0-0-0
ಚಾರಿಪೈಚಲ — —	0-0-0
ಚಲಂಲಾ	~~183-3-11~~
ಕನ್ನೇಶಲಂಗಲ್ಲಿ ಕೊಂದಪೈರೆವಸೂಲಾ ಬಾಕಾಬಾಕ್ಕಿ	20-0-0 ~~163-3-11~~

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

TWO ANNAS

GOVT OF MYSORE

ಎರಡು ಆಣೆ

38

The judgment debtors pay was attached in Execution 39/28.9 of this Court and subsequent with attachment only one instalment pay has been sent to this Court. The decree holder prays that suitable steps may be taken against the officer concerned for not remitting the amount of the attached pay of the judgment debtors regularly

Sd/ S. Sree Ranga Char
pleader for decree holder

Sd/ A. K. Rangaiyer

Sd/ A. K. Ranga Iyer

True Copy

B. G.

Head Clerk

Nd Record Keeper

39

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for ~~want of~~ copying sheets ~~on the~~	Additional copying sheets supplied on the
17.3.31	17.3.31	18.3.31	17.3.31	17.3.31

Copy ready on the	Copy delivered on the	Copied by	Examined by
17.3.31	18.3.31	V. Narasimham	

290

Appendix F G—1

SUBJECT.....

.....

.....

Section

File No. 100-32

Serial No. 41

No. 6058(3)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

To

The PPr. Mysore

Sir,

Date of issue 25/3/31

Signed by M. N. R.

With reference to your letter no 494 dated 18th March 1931 forwarding the Copies of Executors petitions in S.C. 1866 of 27-28 and S.C. 852/vers on the file of the Addl Sub-Judge Mysore I am directed to forward herewith Copies of the report received from the Deputy Commissioner, Bangalore and the D.S. of Police explaining the Circumstances under

List of enclosures.....

Copied by.....

Examined by.....

[over

WD 02559—GPB—25,000—25-6-30

which the warrants of attach-
ments were not Complied with
and to request you to
prepare and submit for approval
of Govt, & dft objection State-
ments to be filed in the
above said Cases.

I have etc

ISD
2/3

L R^r

In the case of Bhaskararao, Jnpt debtor in Ex 1121 of 30.3/5 the attachment was not effected since the official was transfered from the office of the D.S.P. French Rocks & the warrant itself was returned to the Court on 29.6.29 unexecuted. Since the Court did not reverse the warrant to the proper disbursing officer, Govt cannot be held liable under order 21 rule 48 Cl (b) of the C.P. Code

In the case of Ramanatham, however the official ~~is guilty of~~ appears to have fraudulently suppressed the warrants and it is doubtful if in such circumstances Govt is liable to the decree holder -

I am to request you to examine the cases carefully & send me draft objn statements to be filed in the Court on behalf of Govt, for approval -

I have etc

G. R. S. App F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Immediate

To The District Magistrate
Bangalore

Sir,

With reference to your letter No: B. 3 M. 80/30-3, dated 4th March 1931 explaining the circumstances under which warrants of attachment of pay of S. Ramanathia head clerk, City Magistrate's, Bangalore, have remained unexecuted, I am directed to state that Govt desire that Ramanathia should not be readmitted to duty pending final orders.

I have &c

for Secretary

WD 0327—G PB—10,000—18-5-27

25th March 1931.

The District Magistrate,
B a n g a l o r e.

With reference to your letter No.B.3.M 80/30-31 dated 6th March 1931 explaining the circumstances under which the warrants of attachments of pay of S.Ramanathia Head clerk, City Magistrate's Court,Bangalore, have remained unexecuted, I am directed to state that Government desire that Ramanathia should not be readmitted to duty pending final orders.

I have the honor to be,
Sir,
Your most obedient servant,

For Legal Remembrancer and
Secy. to Govt.Law Deptt.

c.n.

Please enclose the file after issue

4625
P 2

GPB

192

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to Government,
Law Department,
Bangalore.

Dated 27th March 1931.

Despatched

Received

General No. 509.
No.

Enclosure No. Two Objection statements.

Sir,

In due compliance with instructions conveyed in your letter No: P.6058(3) Law dated 25-3-1931, I have the honour to submit for your approval and signature of the Chief Secretary, the statements of objections in duplicate to be filed in Ex.1121 of 30-31 and Ex.1595 of 1928-29 and to request that they may be got duly signed and returned immediately as they are to b e filed in court on 1-4-1931.

I have the honour to be,
Sir,
Your most obedient servant,

District Judge.

In the Court of the Additional Sub Judge, Mysore.

Ex. Case No: 1121 of 1930 - 31

S. C. Case No: 1866 of 1927-28.

A. K. Ranga Iyer. Vs. 1. Bhaskara Rao.

2. Chief Secretary.

Statement of objections filed on behalf of the Chief Secretary to Government.

That at the time of attachment, viz, 5-6-1929 there was no salary due and payable by the disbursing Officer to the First Judgment debtor. His salary fell due on 30-6-1929 and became payable on 1-7-1929.

2. That the first judgment debtor was transferred to the office of the Assistant Superintendent of Police, Mysore City and was relieved of his duties at French Rocks on 13-6-1929. The warrant issued by this Honourable Court was therefore returned unexecuted on 22-6-1929.

3. That in the circumstances explained above there was no order under O. 21 R.48(1) enabling the disbursing Officer to withhold any portion of the salary of the first judgment-debtor; and the disbursing Officer to whom the warrant was addressed cannot be said to have acted in contravention of the order of this court.

The Second judgment-debtor therefore prays that the petition may be dismissed as against the

46 9+

the Government.

I, Mr. N. Madhava Rao, Chief Secretary to Government, the 2nd Judgment-Debtor abovenamed do solemnly declare and affirm that all that is stated above is true to the best of my information and belief.

IN THE COURT OF THE ADDITIONAL SUB JUDGE, MYSORE.

Ex. No: 1595 of 1928-29.
S.C.No: 186 of 1927-28.

Lakshminarasimhaiya Vs. 1. Ramanathiah.
2. Chief Secretary.

Statement of objections filed on behalf of the Chief Secretary to Government.

1. That the disbursing Officer responsible to pay the salary of the first judgment-debtor, viz, the City Magistrate, Bangalore, had no notice of the order made by this Hon'ble Court directing the attachment of the said salary.

2. That the first judgment-debtor - - fraudulently supported the attachment warrants; and the failure to give effect to the order of attachment was due to causes beyond the control and ordinary - diligence of the disbursing Officer.

3. That the disbursing Officer had no actual or constructive knowledge of the order passed by this Hon'ble Court under Order 21 Rule 48(1), - hence, it is submitted, there was no effective subsisting Order of attachment of the salary of the first judgment-debtor.

4. That the Government cannot therefore be said to have contravened the order passed under Order 21 Rule 48(1).

5. For the aforesaid reasons Govern.... are not liable to pay the decretal amount under Rrder 21 Rule 48(3).

I, Mr. N.Madhava Rao, Chief Secretary to Government, the 2nd judgment-debtor abovenamed do solemnly affirm and declare that all that is stated above is true to the best of my information and belief

IN THE COURT OF THE ADDITIONAL SUB JUDGE, MYSORE.

Ex. No: 1595 of 1928-29.
S.C.No: 186 of 1927-28.

Lakshminarasimhaiya Vs. 1. Ramanathiah.
2. Chief Secretary.

Statement of objections filed on behalf of the Chief Secretary to Government.

1. That the disbursing Officer responsible to pay the salary of the first judgment-debtor, viz, the City Magistrate, Bangalore, had no notice of the order made by this Hon'ble Court directing the attachment of the said salary.

2. That the first judgment-debtor - - fraudulently supported the attachment warrants; and the failure to give effect to the order of attachment was due to causes beyond the control and ordinary - diligence of the disbursing Officer.

3. That the disbursing Officer had no actual or constructive knowledge of the order passed by this Hon'ble Court under Order 21 Rule 48(1), - hence, it is submitted, there was no effective subsisting Order of attachment of the salary of the first judgment-debtor.

4. That the Government cannot therefore be said to have contravened the order passed under Order 21 Rule 48(1).

5. For the aforesaid reasons Government are not liable to pay the decretal amount under Order 21 Rule 48(3).

I, Mr. N.Madhava Rao, Chief Secretary to Government, the 2nd judgment-debtor abovenamed do solemnly affirm and declare that all that is stated above is true to the best of my information and belief.

Appendix F G—1

SUBJECT.....

.....

.....

Section Law

File No. 108-30

Serial No. 14

No. 6233 (1)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193 .

To

The Public Prosecutor

Mysore.

Date of issue 8/8/31

Signed by M. Ray

Sir,

With reference to your letter No: 509 dated 27th March 1931 forwarding two objection statements to be filed on behalf of Govt. in Ex: 112 of 30-31 and R/595 of 28-29 on the file of the Additional Sub Judge, Mysore, I am directed to return herewith the statement in the case against Bhaskara Rao (Ex 112 of 30-31) duly signed by the Ch Secretary.

List of enclosures.....

Copied by 13/8/31

Examined by.....

[over

WD 02559—GPB—25,000—25-6-30

As regards the other case, that against Ramanathan, I am to state that a defence of the kind as put forth in the Objection Statement cannot stand in a Court of Law and involves some reflection on the method of work of the Officers concerned. Government have therefore decided to admit the claim to the extent to which the pay of the Official could have been attached till the date of his Suspension. I am to request you to report this to the Court and intimate the exact amount which Govt is liable to pay in the case.

Skaveck

for

Legal[illegible]

Nov

31/3

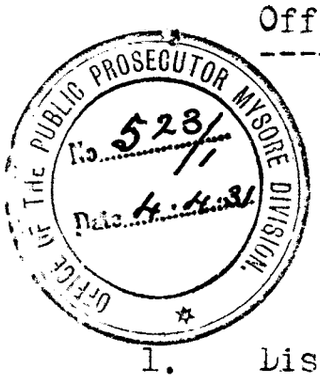
Reply to the D. M. Bore P 6234

with refce to his letter no:

Dated

4772 5?
p 83

Office of the Public Prosecutor, Mysore Division.



Progress Report for 4-4-31.

Leave 100-30-16

Submitted to the Legal Remembrancer.

1. District Judge's Court, Mysore.

O. S. 25 of 28-29.

(Bank of Mysore Vs The Essenfleur Products Ltd.,)

Interlocutory order passed directing sale of Mavlankar's Musk Products by the Bank of Mysore. Sale proceeds to be deposited into Court pending adjudication of the Government claim to the goods.

✓2. O. S. 14 of 30-31.

(Nagoobayamma Vs Chief Secretary)

For written statement.

Adjourned to 19-5-31.

this is already in the connected file TSD 17/4

3. Subordinate Judge's Court, Mysore.

O. S. 47 of 25-26.

(Siddaramanna Vs Agent;, Mysore Railways)

Application for permission to file additional w.s. dismissed. Adjourned for arguments to 25-5-31.

N.B:- Copy of the order will be obtained and submitted.

✓4. Additional Subordinate Judge's Court, Mysore.

Ex: No. 1595 of 28-29.

(Laxminarasimhayya Vs Ramanatha Iyer and Chief Secretary)

Decree-holder files memo claiming Rs.263-2-10 towards the decretal amount; Copy of the ~~order~~ memo is herewith submitted. Posted for payment on 10-6-31.

K Ramaswamy

Public Prosecutor,

Mysore Division.

In the Court of the Additional Subordge
At Mysore
SC 1866 of 27-28
Ex 1595 of 28-29

D. H.

J. D.

Lasc minarasimhaiya vs S. Ramanathia

Dtg 4-4-31

Memo of the amount due to the decreeholder in the above case upto 23-12-30

Decree amount . . .	200-0-0
Int. on Rs 165 from 12-3-28 to 23-12-30 at 6 %.	27-12-10
Court cost	28-6-0
Execution cost.	7-0-0
Details of the same	
Application 0-12-0	
1st attachment 1-4-0	
Fresh warrant 1-4-0	
Registering the same 0-2-0	
Registering the 0-4-0	
D.O.	
Application to bring the sum received	0-12-0
Fees	2-8-0
	7-0-0
	263-2-10

Rupees Two hundred and Sixty three rupees two annas and ten pies only.

4-4-31

B. K. Madhava Rao
Pleader for the
Decree-holder

THE PUBLIC PROSECUTOR
No 523/1
Date 4-4-31

Appendix F G—1

SUBJECT.....

.....

.....

Section Loans

File No. 600-30.

Serial No. 17

No. 6787

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The DPr. Mysore

Date of issue 22/4/31

Signed by

Sir,

With reference to your letter no 523 dated 4.4.31 forwarding a copy of the memo of the amount due to the decree holder in S.C. 1866/27-28 Ex. 1595 of 28-29 on the file of the Addl. Sub Judge Mysore (Lakshminarasimhaiya vs Ramanathaiya). I am directed to invite reference to this office letter no. R. 6233 dated 31st March 1931

List of enclosures.....

Copied by

Examined by.....

over

56

pointing out that Govt have decided to admit the claim upto the date of suspension of the official viz 23.12.30, and to request you to intimate early the amount due to the decree holder by Govt accordingly I have etc

Sec I to Govt
L.D.

ISD
16/4

Copy to D. M. Bangalore for information.

point out that the claim made in the memo is for payment of the full decree amount due to the judgment creditor. As has already been stated in this office letter No. 6233 of 31st march 1931, Govt cannot be held liable for more than what could have been attached according to law from the pay of the official. I am to request you to kindly ascertain this amount, in consultation, if necessary with the District Magte, Bangalore, and intimate the same to Govt for further action being taken in the matter.

I have etc

Legal

DM
16/4

Copy to the DM. Blore

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, ...

No.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Public Prosecutor,

Mysore Division.

Sir,

With reference to your letter No.523 dated 4th April 1931 forwarding a copy of the Memo of the amount due to the decree holder in S.C.1866/27-28 Ex. 1595 of 28-29 on the file of the Additional Sub Judge, Mysore (Lakshminarasimhaiya)Vs. Ramanatnaiya) I am directed to point out that the claim made in the Memo is for payment of the full decree amount due to the Judgment creditor. As has already been stated in this office letter No.6233 of 31st March 1931, Government cannot be held liable for more than what could have been attached according to law from the pay of the official. I am to request you to kindly ascertain this amount, in consultation, if necessary with the District Magistrate, Bangalore, and intimate the same to Government for further action being taken in the matter

I have the honour to be,

Sir,

Your most obedient servant,

For Legal Remembrancer &
Secretary to Govt.,
Law Department.

ISD

4912 P 230 58

No. G3. 1108/30.
Enc. Encl 1-

Office of the Deputy Commissioner,
Mysore District.

Dated Mysore, 14th April 193 1

FROM

S. ABDUL WAJID, ESQ., B.A.,
Deputy Commissioner,
Mysore District.

To

P. MAHADEVAYYA, Esq., B.A., B.L.,
Legal Remembrancer and
Secretary to the Government of Mysore,
Law Department, *Bangalore.*

SIR,

With reference to your letter No.P. 4671/Law. dated 2nd February 1931 calling for a report as to why and under what circumstances the Salary Attachment Warrant of Clerk H.S.Bhasker Rao of the French Rocks D.S.P's Office received from the Additional Sub Judge, Mysore was not complied with by the disbursing Officer etc., I have the honour to forward herewith for information a copy of letter Pro.235/28-~~29~~ dated 9-2-31 from the District Superintendent of Police, French-Rocks to the Inspector-General of Police in the matter.

It is seen there-from that the warrant in question was received in the office of the District Superintendent of Police, French-Rocks on 5-6-1929 for execution and the same was duly executed and returned to the Court concerned on 12-6-1929.

The official Bhaskar Rao was in the mean-while transferred from there to Mysore City as a testor of weights and measures in this office order dated 11-6-1929 and was relieved of his duties at French-Rocks on 13-6-1929 and the duplicate pay attachment and the duplicate warrant was returned to the court with due intimation thereof and the pay of Bhasker Rao was not thereafter drawn in the District Superintendent's Office at French-Rocks.

I have the honour to be,
Sir,
Your most obedient servant,

Abdul Wajid.

Deputy Commissioner, Mysore Dt.

Letter No.Pro.No.235/28 dated 9th.Feb.1931 from the Superintendent of Police, French-Rocks to the Inspector-General of Police, Bangalore.

-o-

With reference to your No.C.1861/30-31 dated 5-2-31 calling for report as to why and under what circumstances the salary attachment warrant of clerk H.S.Bhaskara Rao, received from the Additional Sub Judge, Mysore in S.C.No.852/24-25 and Ex.No.539/28- was not complied with etc., I have the honour to state that the said warrant was received in this office on 5-6-29 for execution and same was duly executed and returned to the said court on 12-6-1929 with No.Process.235/28-29.

As Bhaskara Rao was transferred to Mysore City as a tester of weights and measures vide order No.Gl.767/28-29 dated 11th.June 1929 of the Deputy Commissioner,Mysore District, this fact was communicated to the Additional Sub Judge,Mysore on 20-6-29 with No.Process 235/28-29 after returning the duplicate pay attachment warrant which was kept in this office for reference.

As Bhaskara Rao was relieved of his duties in this office on 18-6-1929, his pay for June 1929 was not drawn in this office. He is now working in the office of the Assistant Superintendent of Police,Mysore City.

-o-

2 COPY "

For Deputy Commissioner,

Mysore District.

MGS

POLICE DEPARTMENT

50 & 760

Law 100-30-1/P

Tel. Address :
"ALACRIS"
PHONE NO. 298

No. C 2661/30
Encs. 4

OFFICE OF THE INSPECTOR-GENERAL OF POLICE
IN MYSORE,

Dated Bangalore, the 25th April *193* 1.

From

F. A. HAMILTON, ESQ., C.I.E.,
INSPECTOR-GENERAL OF POLICE IN MYSORE,
BANGALORE.

To

P. Mahadevayya, Esq., B.A., B.L.,

Secretary to the Government of Mysore,

Law Department.

SIR,

In continuation of this office letter No.D2.Dis.2661/30 dated 6-3-1931 regarding the arrears of the attached portion of the salary of one H.S.Bhasker Rao, Clerk, District Police Superintendent's Office, French Rocks, I have the honor to forward herewith the file of correspondence relating to the same subject received from the District Superintendent of Police, French Rocks with his letter No.O.C. 133/30 dated 17-4-1931 stating that the date of receipt of the pay attachment warrant in his office was 16-5-1929 and not 5-6-1929 as already reported.

I have the honor to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE.

25/4/31

Dy. I. 7485

To

The I.G. of Police in Mysore.

Sir,

With reference to your letter No.C.2661/30 dated 27th April 1931 forwarding the file of correspondence relating to the attachment of pay of H.S.Bhasker Rao, Clerk, District Police Superintendent's Office, French Rocks, I am directed to state that on the basis of the D.S.P's (Mr. Anderson) letter No.235 dated 28th February 1931 enclosed with your letter No.D.Dis.2661/30 dated 5th March 1931 an objection statement denying the liability of Government under order XXI Rule 48 of the C.P.C. was filed by the Public Prosecutor,Mysore on the ground that after the receipt of the warrant on 5-6-1931 no salary was disbursed, to the official by the officer to whom the warrant was addressed. From the report of Mr.Siddaraj Urs - D.S.P. now forwarded with your letter under reply, it appears that the warrant was received on 18-5-1929 and not on 5-6-1929 and that therefore the non attachment of the salary disbursed in June 1929 was in contravention of the warrant of attachment issued by the Court. Consequently Government will be prima facie liable for the sum that could have been attached in the month of June. In this connection, I am to invite kind reference to the circular No.P.6235-95/Law 100-30 dated 31st March 1931 and to request you to enquire and report as to which officer is to be held personally liable to make good the loss that may be caused to Government in this case.

I have etc.,

18/5

See 4 to Govt. L.D.

62

Dft"

7485(5)

To

The Public Prosecutor,

Mysore.

Sir,

In continuation of this office letter No.P.6233 dated 31-3-1931 returning the objection statement in the case against Mr. Bhaskara Rao Ex. 1121 of 30-31 on the file of the Additional Sub Judge,Mysore, I am directed to forward herewith a copy of the I.G.P's letter No.C 2661/30 dated 27th April with the entire file of correspondence sent therewith (to be returned in due course) which shows that the warrant of attachment was received by the D.S.P. French Rocks on 16-5-1929 and not on 5-6-1929 and I am to enquire whether this would not necessitate an amendment of the Objection Statement already filed on behalf of Govt. and if so, I am to request that necessary action in the matter may be taken at once and the same reported to this office for information.

7/165

37

I have etc.,

Secretary L.D.

ISD

18/5

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION
No. 609/1
Date 21.5.31

5410963 of 30

Office of the Public Prosecutor, Mysore Division.

Progress Report for 20-5-31.

Submitted to Legal Remembrancer, Bangalore.

1. Additional Subordinate Judge's Court, Mysore.

Ex: No. 1121 of 30-31. O.C.852 of 30-31.

(A. K. Ranga Iyer Vs H. S. Bhaskara Rao and others)

Adjourned to 10-6-1931 for filing amended statement.

Note:- The proposed amendment consists of

(a) changing the date of receipt by the District Superintendent of Police, of the attachment warrant, from 5-6-29 to 15-5-29

(b) pleading part satisfaction of the decree to the extent of Rs.10/- only as intimated by the District Superintendent of Police in his letter No. O.C.133/30 dated 20-4-31. This amount is said to have been remitted by Postal Money Orde on 12-6-29 and acknowledged by the Judge on 13-6-1929.

It is not considered necessary to file a separate amended statement on behalf of the Chief Secretary. A memo will be filed embodying the above amendments. File of correspondence sent with letter No.P.7488 (5) Law dated 16-5-31 is herewith returned as directed.

T Ramachandra

Public Prosecutor,

Mysore Division.

Subs for perusal.

23/5

There is a file on this subject. Please put this alongwith it

23/5

Letter No.C.2661/30 dated 27th April 1931 from the Inspector General of Police in Mysore to the Secretary to Govt., Law Dept.,

==========

In continuation of this office letter No.D2-Dis.2661/30 dated 6-3-1931 regarding the arrears of the attached portion of the salary of one H.S.Bhasker Rao, Clerk, District Police Superintendent's office, French Rocks, I have the honor to forward herewith the file of correspondence relating to the same subject received from the District Superintendent of Police, French Rocks with his letter No.O.C.133/30 dated 17-4-1931 stating that the date of receipt of the pay attachment warrant in his office was 16th May 1929 and not 5-6-1929 as already reported.

For Secy. to Govt., Law Dept.,

Sec.

O&No. 133/30

Office of the Superintendent of Police,
French-Rocks Circle,
Dated the 17th of April 1931.

From

The Superintendent of Police,
French-Rocks Circle.

To

The Inspector-General of Police
in Mysore, Bangalore.

Sir,

In continuation of this office No. Pro. 235/30 dated 26/2/31, regarding the pay attachment warrant of clerk Bhaskara Rao, I have the honor to submit herewith a copy of D.O. No. 562 dated 14/4/31 received from the Public Prosecutor, Mysore, and the reply thereon from this office for your kind information. The date of the receipt of the pay attachment warrant is 16/5/29 and not 5/6/29 as already reported.

22041

18 APR. 193

I have the honor to be,
Sir,
Your most obedient servant,

Superintendent of Police,
French-Rocks Circle.

Copy of Confidential D.O. letter No. 562 dated 14/4/31 from Mr. K. Ramaswami, Public Prosecutor, Mysore, to the Superintendent of Police, French-Rocks Circle.

" " " " "

One H.S. Bhaskara Rao was employed as clerk in your office in 1929. There was a decree against him passed by the Additional Subordinate Judge, Mysore, in S.C. No. 852 of 24-25 at the instance of one A.K. Ranga Iyer of Mysore. The latter applied for attachment of Bhaskar Rao's pay in Ex. 539 of 28-29. The attachment warrant appears to have been received in your office on 5/6/29 . Bhaskara Rao was ordered to be transferred to the Deputy Commissioner's office on 11/6/29 and he was relieved on 13/6/29. The pay attachment warrant (duplicate) was returned to the Additional Subordinate Judge on the ground that Judgment-debtor Bhaskar Rao had been transferred to Mysore. No amount was deducted from Bhaskara Rao's pay and the fact of the attachment was not reported to the disbursing officer to whose office Bhaskar Rao was transferred.

Decree-holder Ranga Iyer has now applied to the Additional Subordinate Judge making the Chief Secretary to Government a party and seeking relief as against the Government.

I believe that you have read the circular published on page 257 part III-I of the Mysore Gazette dated 2nd April 1931.

In repudiating the claim of the Decree-holder against the Government, I have pleaded that the attachment warrant was returned to the Additional Subordinate Judge unexecuted on 29/6/29.

I have recently come to know that the warrant said to have been returned on 29/6/29 was not received in the Additional Subordinate Judge's court.

I am to request you to go through the "To" and "From" Registers and the Tappal Book of your office and intimate to me the "To" No. of th communication said to have been despatched to the Additional Subordinate Judge on 29/6/29.

I am

I am also anxious to know if the fact of the receipt of the pay attachment warrant was intimated to the Deputy Commissioner at the time of despatch of the last pay certificate of Bhaskara Rao.

An early reply is requested.

"""""""""""""

'Copy'

Superintendent of Poli
French-Rocks Circle.

French-Rocks,
Dated the 17th of April 1931.

Dear Mr. K. Ramaswami,

Your D.O. No. 562 dated 14th April 1931 regarding the execution of pay attachment warrant against one Bhaskar Rao who was a clerk in this office.

xxxxxx

I have enclosed extracts of entries from Amad Register, Process Register and Tappal book of this office as desired by you. The registers show that the warrant was received on 16/5/29 as noted in the Amad Register xx and the same was entered in the Process Register on 18/5/1929 on which date the said warrant was referred by the then Superintendent of Police Mr. J.F. Anderson to the Head Quarter Inspector Mr. V Krishnaswami (Manager of this office). The original warrant is said to have been returned xx on 12/6/29 in Process No. 235/28 and the duplicate on the 20th June 29 in No. Pro. 235/28 to the court of the Additional Sub Judge, Mysore.

Jamadar Bhaskar Rao, who was transferred on 11/6/29 was xxxxxxx relieved here on the afternoon of 13/6/29, but his last pay certificate was sent to the Deputy Commissioner on 6/8th October 29.

As the attachment warrant had been returned to the court on 20/6/29, no mention of the attachment warrant was made in the Last Pay Certificate.

I note the Circular referred to by you it is dated 2nd April 31 whereas the attachment warrant had been returned to the court by my predecessor Mr. J.F. Anderson.

Yours Sincerely,

To
K. Ramaswami, Esqr. B.A., B.L.:
Public Prosecutor, Mysore Division,
Mysore.

Extract of Amad Book dated the 16th of May 1929

xx	xx			xx
S.No. 17084.	Additional Subordinat	Judge, Mysore.	No. A. 9834 in Ex. of [illegible]	attachment to Bhaskar Rao.
	To whom referred	H. .I.		

Extract of Process Register

xx	xx	xx		xx			xx
Sl.No. 235	Additional Subordinate Judge	Mysore.	Issue --	Receipt. 18/5/29.	Hearing 5/6/29.	Jamadar Bhaskar Rao. Pay attachment warrant, for R. 165/-13/- in S.C. No. 852 of 24-25 Ex. No. 589 of 2[illegible]-29.	

H.I. for needful as ordered by the court - 18/5/29

Duplicate salary attachment warrant of Jamadar Bhaskar Rao has been taken in this for execution as per order - 12/6/29.

Returned with compliments to the Additional Sub Judge, Mysore Jamadar Bhaskar Rao has been transferred to Mysore as a Testor of Weights and Measures etc - 20/[illegible]/29.

Extract of Tappal Book dated the 12th of ~~May~~ June 29.

x	xx	xx	xx	xx
Sl. No. 2150.	Pro. No. 235/28.	Additional Sub Judge, Mysore.		

Extract of Tappal Book dated 20th June 1929.

	xx	xx	xx	xx
Sl. No. 2252.	Pro. No. 235/2[illegible]	Additional Sub Judge, Mysore.		

" Extracts "

Superintendent of Police,
Anti-Rocks Circle.

5778 P 30

POLICE DEPARTMENT

Tel. Address
"ALACRIS"

PHONE No. 298

No. C 2761/30
Encs. Rd 1 file 2 recds

OFFICE OF THE INSPECTOR-GENERAL OF POLICE
IN MYSORE,
Dated Bangalore, 13/6/1931

From

F. A. HAMILTON, ESQ., C.I.E.,
INSPECTOR-GENERAL OF POLICE IN MYSORE,
BANGALORE.

To

P.Mahadevayya, Esq., B.A.,B.L.,
Secretary to Government, Law Department,
Bangalore.

SIR,

With reference to your letter No.P.7484/Law dated the 16th May 1931 regarding the attachment of pay of H.S.Bhaskar Rao, Clerk Office of the Assistant Superintendent of Police, Mysore City, I have the honour to state that the Superintendent of Police, French Rocks reports in his letter No.O.C.133/30 dated the 5th instant that the pay attachment warrant in question was received in his office on the 16th May 1929, that a sum of Rs.10/- was recovered on 12-6-1929 out of the pay of Bhaskar Rao for the month of May 1929 and sent on the same day to the Court of the Additional Subordinate Judge, Mysore - who acknowledged the receipt of the amount on 13-6-1929. With an endorsement on the money order coupen 'Credited to R.O.No.94-1093 dated 13-6-29' signed by Mr.C.Abdul Gani. As regards the duplicate warrant, the Superintendent reports that the same was returned by - Mr.Anderson, the then District Superintendent of Police to the Additional Sub Judge's court on 20-6-1929 stating that Bhaskar Rao was transferred to Mysore City as a Tester of Weights and Measures.

2. Copy of the letter from the Superintendent together with - copies of its enclosures are herewith forwarded for reference.

I have the honour to be,
Sir,
Your most obedient servant,

G. Lakshmanappa
Head Quarter Assistant 12-6-31
for Inspector General of Police,
(Absent on tour)

Dy 15/6/31

RSD 15/6

Letter No.133/30 dated 5th June 31 from the Superintendent of Police, French Rocks to the Inspector General of Police in Mysore Bangalore.

With reference to your No.C.2761/30 dated 26-5-31 calling for a report regarding the Pay attachment warrant of H.S.Bhaskara Rao, I have the honour to state that the warrant in question was received in this office on 16-5-29, that a sum of Rs.10/- was recovered on - 12-6-29 out of the pay of Bhaskara Rao for the month of May 1929 which was sent on 12-6-29 to the Court of the Additional Subordinate Judge who acknowledged the receipt of the amount on 13-6-29 with an endorsement on the M.O.coupen 'Credited to R.O.No.94-1093 dated - 13-6-29 signed by Mr.C.Abdul Wani'.

Reference available in this office show that the duplicate warrant was returned by Mr.J.F.Anderson, the then District Supt. of Police to the above court on 20-6-29, stating that Bhaskara Rao, was transferred to Mysore City as a Tester of Weights and Measures.

There has been no further correspondence from the said court to this office regarding the attachment warrant of Bhaskara Rao - after the return of the duplicate warrant on 20-6-29 to the said Court.

Mr.J.F.Anderson was relieved here by me on 27th September 29. It is not known whether the Public Prosecutor brought to the notice of the court, the recovery of Rs.10/- from Mr.Bhaskara Rao which was acknowledged by the court on 13-6-29. Mr.Bhaskara Rao is now working as a clerk in the office of the Asst.Supt.of Police, Mysore city.

Under the above circumstances, I submit that this office may not be responsible for the omission of further recoveries. Copies of reference from this office to the Public Prosecutor are herein enclosed for kind perusal.

" C O P Y "

G. Lawrence

For Inspector General of Police.

NK.

Copy of Confidential D.O. letter No. 562 dated 14/4/31 from Mr. K. Ramaswami, Public Prosecutor, Mysore, to the Superintendent of Police, French-Rocks Circle.

" " " " "

One L.B. Bhaskara Rao was employed as clerk in your office in 1929. There was a decree against him passed by the Additional Subordinate Judge, Mysore, in O.S. No 852 of 24-25 at the instance of one A.K. Ranga Iyer of Mysore. The latter applied for attachment of Bhaskar Rao's pay in Ex. 530 of 2 -29. The attachment warrant appears to have been received in your office on 5/6/29 . Bhaskara Rao was ordered to be transferred to the Deputy Commissioner's office on 11/6/29 and he was relieved on 13/6/29. The pay attachment warrant (duplicate) was returned to the Additional Subordinate Judge on the ground that Judgment-debtor Bhaskar Rao had been transferred to Mysore. No amount was deducted from Bhaskara Rao's pay and the fact of the attachment was not reported to the disbursing officer to whose office Bhaskar Rao was transferred.

Decree-holder Ranga Iyer has now applied to the Additional Subordinate Judge making the Chief Secretary to Government a party and seeking relief as against the Government.

I believe that you have read the circular published on page 257 part III-I of the Mysore Gazette dated 2nd April 1931.

In repudiating the claim of the Decree-holder against the Government, I have pleaded that the attachment warrant was returned to the Additional Subordinate Judge unexecuted on 29/6/29.

I have recently come to know that the warrant said to have been returned on 29/6/29 was not received in the Additional Subordinate Judge's court.

I am to request you to go through the "To" and "From" Registers and the Tappal Book of your office and intimate to me the "To" No. of the communication said to have been despatched to the Additional Subordinate Judge on 29/6/29.

I am

I am also anxious to know if the fact of the receipt of the pay attachment warrant was intimated to the Deputy Commissioner at the time of despatch of the last pay certificate of Bhaskara Rao.

An early reply is requested.

"""""""""""""

'Copy'

Superintendent of Police,
French Rocks Circle.

French-Rocks,
Dated the 17th of April 1931.

Dear Mr. K. Ramaswami,

Your D.O. No. 562 dated 14th April 1931 regarding the execution of pay attachment warrant against one Bhaskar Rao, who was a clerk in this office.

[redacted]

I have enclosed extracts of entries from Amad Register, Process Register and Tappal book of this office as desired by you. The registers show that the warrant was received on 16/5/29 as noted in the Amad Register, and the samewas - entered in the Process Register on 18/5/1929 on which date the saidwarrant was referred by the then Superintendent of Police Mr. J.F. Anderson, to the Head Quarter Inspector Mr. V. Krishnaswami (Manager of this office). The original warrant is said to have been returned ~~to the court~~ on 12/6/29 in Process No. 235/28 and the duplicate on the 20th June 29 in No. Pro. 235/28 to the court of the Additional Sub Judge, Mysore.

Jamadar Bhaskar Rao, who was transferred on 11/6/29 was relieved here on the afternoon of 13/6/29, but hislast pay certificate was sent to the Deputy Commissioner on 6/8th October 29.

As the attachment warrant had been returned to the court on 20/6/29, no mention of the attachment war rant was made in the Last Pay Certificate.

I note the Circular referred to by you, it is dated 2nd April 31 whereas the attachment warrant had been returned to the court by my predecessor Mr. J.F. Anderson on 20/6/29.

Yours Sincerely,

Superintendent

To
K. Ramaswami, Esqr., B.A., B.L.,
Public Prosecutor, Mysore Division,
Mysore.

Extract of Tappal Book dated 12/6/29 of the office of the Superintendent of Police, French-Rocks Circle.

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xx xx xx xx xx xx xx

Sl. No. 2190. Pro. No. 235/28. Additional Sub Judge, Mysore.

xx xx xx xx xx

Extract of Amad Book dated 16th May 29 of the Office of the Superintendent of Police, French-Rocks Circle.

---

xx xx xx xx xx xx xx

S.No. 17084. Additional Subordinate Judge Mysore. No. A. 9834 in Ex. of S... 852/539 attachment to Bhaskar Rao.

To whom referred. H.Q.I.

xx xx xx xx xx

Extract of Tappal Book dated 20/6/29 of the Office of the Superintendentof Police, French-Rocks Circle

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xx xx xx xx xx

S.No. 2252. Pro. No. 235/28 Additional Sub Judge, Mysore.

xx xx xx xx xx

" Extracts "

Superintendent of Police,
French-Rocks Circle.

Office of the S perintendent of Police,
French-Rocks Circle,
Dated the 20th April 1931.

Dear Mr. K. Ramaswamy,

In continuation of my confidential D. O. No. O.C.133/30 dated 17/4/1931 regarding the pay attachment warrant of Clerk Bhaskara Rao, I write to say that it is seen from the entries of the cash book that the first instalment of ₹ 10/- was recovered out of the pay of Bhaskara Rao for May 1929 on 12/6/1929 and the same was sent by money order the same day to the Additional Subordinate Judge, Mysore, who acknowledged the receipt of the same on 13/6/1929 with an endorsement on the money order coupen " Credited to R. O. 94-1093/13-6-29 signed by Mr. C. Abdul Ganni".

As Bhaskara Rao was releived of his duties in this office on 13/6/1929 on transfer, the warrant was returned to the Court intimating the transfer.

Yours sincerely,

"Copy" Shivanna Rao,

To
K. Ramaswamy, Esqr., B. A., B. L.,
Public Prosecutor,
Mysore Division, Mysore.

5824/30
p.830

IMMEDIATE.

From

The City Magistrate,
Bangalore City.

To

The Secretary to Government,
Law Department, Bangalore.

To No: 1649-50
Date. 16. 6. 31

Sir,

With reference to letter No.640 dated the 15th June 1931 from the Public Prosecutor Mysore, requesting me to intimate to you the exact amount of the salary of S.Ramanathiah, Ex-Head clerk of this Court, that was available for attachment on the 1st day of March 1929, I have the honor to state that his salary as drawn on 1st March 1929 was Rs.55/- out of which Rs.5/- was deducted towards his Life Insurance and the balance of Rs.50/- was paid to him. A sum of Rs.20/- is allowed towards maintenance charges as per Civil Court rules. Hence the amount of the salary that was available for attahhment on the 1st day of March 1929 was Rs.30/- only

4774/-
491/- 2nd Dr 1/5

I have the honor to be,
S i r,
Your most obedient servant,
D. Iyengar
City Magistrate,
Bangalore.

5862 78
P 830

No.659. Mysore, dated 18th June 1931.

Immediate.

From

The Public Prosecutor,

Mysore Division,

Mysore.

Law 100-30-19

To

The Secretary to the Government

of His Highness the Maharaja of Mysore,

Law Department, Bangalore.

19/6/31

S. C. 1866 of 27-28
Ex:No.1595 of 28-29

(Laxminarasimhaiya Vs Ramanathaiya)

on the file of the Additional Sub-Judge, Mysore.

Sir,

With reference to correspondence ending with your letter No.6787/Law 100.30 dated 22-4-1931, I have the honour to state that the City Magistrate, Bangalore, reports that the attachable portion of the salary of Mr. Ramanathaiya was Rs.30/- on 1-3-1929. The date 1-3-1929 was the 1st day on which the attachment should have taken effect if the Subordinate Judge's letter No.1068 dated 14-2-1929 and the warrant had reached the City Magistrate, Bangalore in the ordinary course.

4777/-
1st Nov. 1/5

It is submitted that there was a possibility of the decree being fully satisfied if the attachment had been effected even later and even though Rs.20/- only had been attached.

In the circumstances explained I have the honour to seek further instructions in the matter as a report has to be made to Court on the 24th instant.

I have the honour to be,

S i r,

Your most obedient servant.

K. Ramarao

Public Prosecutor,

Mysore Division.

Appendix F G—1

SUBJECT.....

Issue precaution

Section I

File No. 105-30

Serial No. 20

Diary No. of letter replied to.....

No. 7909

General and Revenue Secretariat

( )

the *193*

To

The Public Prosecutor

Mysore

Date of issue 22/6/31

Signed by K. [illegible]

Sir,

With reference to your letter No: 659 dated 18th June 1931 I seeking instructions in the matter of Ex: No: 1595 of 28-29 (Lakshminarasimhaiya v Ramanamma) on the file of the Additional Sub Judge, Mysore, I am directed to state that in the circumstances reported in your letter, Government have to pay the full

List of enclosures.....

Copied by [illegible]

Examined by.....

[over

WD 02559—GPB—25,000—25-6-30

decree amount, according to law and to request you to move the Court for an adjournment of about a month to enable Government passing necessary orders regarding the payment of the amount, money, the exact amount of which may kindly be ascertained and intimated at an early date.

I have etc.

Chief Secy.

P.7910

Copy to the District Magistrate, Bangalore, for information. ~~with a request that a report be made as to the responsibility of the officers concerned in~~

The Public Prosecutor,

Mysore Division.

With reference to your letter No. 659 dated 18th June 1930 seeking instructions in the matter of Ex No. 1595 of 28-29 (Lakshminarasimhaiya Vs. Ramanathia) on the file of the Additional Sub Judge, Mysore, I am directed to state that in the circumstances reported in your letter, Government have to pay the full decree amount, according to law and to request you to move the Court for an adjournment of about a month to enable Government passing necessary orders regarding the payment of money, the exact amount of which may kindly be ascertained and intimated at an early date.

I have the honour to be,

Sir,

Your most obedient servant,

Chief Secretary to Govt.

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section

File No.

Serial No.

No. 79

General and Revenue Secretariat

( )

the *193* .

To

The PPr. Mysore

Date of issue..... 1/7/31

Sir,

Signed by.....

With reference to your letter no 669 dated 24.6.31 reporting that Ex: 1595 of 1928-2 on the file of the Addl Sub-Jge Court, Mysore (Lakshminarasimh vs Ramanathaya and anothe is adjourned to 29.7.1931 to pay the decretal amount and report satisfaction. I am directed to state that ~~the~~ information regarding the exact amount to be paid (on 29.7.1931 ~~accordingly~~

List of enclosures.....

Copied by.....

Examined by.....

[over

WD 02559—GPB—25,000—25-6-30

~~xxxx~~ is being awaited as required in this office letter No. P. 7909 dated 22nd June 931.

The matter may kindly be treated urgent and the information furnished early.

I have etc

BD 29/6

29.6 for Ch. Secy

Chief

The Public Prosecutor,

Mysore Division.

With reference to your letter No.769 dated 24th June 1931 reporting that Ex 1595 of 1928-29 on the file of the Additional Sub Judge's Court, Mysore (Lakshminarasimhaiya Vs. Ramathaiya and another), is adjourned to 29-7-1931 to pay the pretal amount and report satisfaction, I am directed to state that information regarding the exact amount to be paid on 29th July 1931 is being awaited, as required in this office letter No.P.7909 dated 22nd June 1931.

The matter may kindly be treated as urgent, and the information furnished early.

I have the honour to be,

Sir,

Your most obedient servant,

For Chief Secretary to Govt,

ISD

Ex 3185

Law 100-30—24 GPB

192 .

From

The Public Prosecutor,

Mysore Division,

To Mysore

The Chief Secretary to the Govt.

of H.H.the Maharaja of Mysore

Law Section, Bangalore

Dated 2-7-31

Despatched 2-7-31.

Received

General No.

No. 9

Enclosure No. one.

Sir,

In due compliance with your letter No.P.9/Law dated 1-7-1931 calling for information regarding the exact amount to be paid to the Decree-holder in Ex:1595 of 28-29 (Lakshminarasimhaiya Vs Ramanathaiya and another) on the file of the Additional Subordinate Judge, Mysre, I have the honour to enclose herein copy of the memo filed by the decree-holder's advocate -- calculating interest at 6 % till 23-12-1930 as per terms of the decree. The total amount thus calculated was Rs.263-2-10. This sum together with current interest at 6 % was ordered to be paid on 10-6-1931.

On 10-6-1931 I happened to be at Hassan and moved for an

adjournment by telegram. The court was pleased to adjourn the case to 24-6-1931 on which day the letter received from Government (No.P.7909 dated 22-6-1931) was filed into court and adjournment was prayed for again. The court was pleased to order that interest at 1 % should be paid from 24-6-1931 till 29-7-1931. Calculation has accordingly been made with the result that the Government have now to pay Rs.1-14-0 more than the amount that was due to be paid on 24-6-1931. The total amount ~~being~~ is Rs.269-14-0 for which sum an R. T. R. may kindly be sent to this office before the date of hearing.

I have the honour to be,

S i r,

Your most obedient servant,

K Ramachandra

Public Prosecutor,

Mysore Division.

In the Court of the Additional Subordinate Judge, Mysore.

S. C. No. 1866 of 27-28

Ex: No. 1595 of 28-29

Decree-holder: Lakshminarasimhaiya

Vs

Judgment-debtors: Ramanathaiya and another

Hearing 29-7-1931.

Memo of the amount due to the Decree-holder in the above case:-

Decree amount	Rs. 200- 0- 0
Interest on Rs.165/- from 12-3-28 to 23-12-30 at 6 %	27-12-10
Interest on 165/- @ 6 % from 23-12-30 to 24-6-31	4-15- 2
Interest on Rs.165/- from 24-6-1931 to 29-7-31 @ 12 %	1-12- 0
Court costs as per decree	28- 6- 0
Execution costs	7- 0- 0
	Rs. 269 -14-0

Rupees Two Hundred and Sixty-Nine, and annas Fourteen only.

Details of execution costs:-

Application	0-12-0
1st attachment	1- 4-0
fresh warrant	1- 4-0
Registering the same	0- 4-0
Registering the D. O.	0- 4-0
Application to bring the Govt. on record	0-12-0
Fees	2- 8-0
	7- 0-0

Public Prosecutor,

Mysore Division.

G.P.S. App. F VI G-2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 8/7/31

Signed by

May this be

(i) Printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Law

Sec.

File No. 100-30

Serial No. 22

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Letter No. 992 dated 27th Jan 1931 from the Additional Sub Judge, Mysore, intimating that a warrant of attachment of pay of one S. Ramanathia, a clerk in the City Magistrate's Court, Bangalore ~~Order Thereon No.~~ in Execution case no. 1595 of 28-29 on the file of his Court, has not been given effect to, in spite of repeated reminder and that the decree holder has accordingly applied to bring the Government on record in order to enforce the liability under order 21 rule 48 of

89

of the Code of Civil Procedure.

2) Letter No: B 3 M 30 dated 6th March 1931 from the District Magistrate, Bangalore, reporting about the suppression of the warrants of attachment ~~effected~~ by the clerk Ramanathia.

3) Govt order No: ——— dated ——— directing the Compulsory retirement of the official.

4) Correspondence ending with the Mysore Public Prosecutor's letter No: 9 dated 2nd July 1931, intimating that a sum of Rs 269-14-0 has to be paid on 29-7-1931 to the decree holder in Ex case 1595 of 28-29 in the Addl Sub-court Mysore, and requesting an early remittance of the amount.

List of enclosure

1 P.U.D

Copied by

Examined by

Order: P 238-41

In the circumstances mentioned in the District Magistrate's

WD 02560 --GPB --11,250 --2-7-30

G. R. S. App F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

letter read above, Government decided to admit liability under order 21 rule 48 of the Code of Civil Procedure, to the extent to which the pay of the official, S. Ramanathia, could have been attached, according to law. It is now reported that if the warrant of attachment of pay issued in this case had been duly executed, ~~the decree~~ the decree ~~would~~ would have been fully satisfied and that consequently, Government have to pay the amount now due under the decree, ~~which is contained in above~~

The Public Prosecutor, mysore reports that this amount comes to Rs 269-14-0 and that it has to be paid into Court on ~~execution case has been opened~~ the 29th July 1931.

Government are pleased

WD 082 :- GPB—10,000— 16-5-27

to direct that the said amount be paid accordingly and steps taken immediately to recover the same from the disbursing officers concerned according to ~~above date~~ Govt Circular No: P 6235-95/Law 100-31 ~~to be recovered as directed in the~~ ~~proceedings~~, dated 31st March 1931.

The Comptroller to Govt is requested to place ~~a~~ the sum of Rs 269-14-0 at the disposal of the Public Prosecutor, mysore before 29th July 1931, treating it as an advance ~~debited to~~ pending recovery, as directed above. The District Magistrate, Bangalore is requested to submit a report ~~as to~~ as to the apportionment ~~of the~~ responsibility of the disbursing officers concerned in the matter.

B.O.

Chief Secretary

4.7.31

To

1) The D.C. Bgle
2) The Public Pr, Mysore
3) The Comptroller thro' Guildsett.
4) Registrar, High Ct.

Exh 92

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d--

Letter No.992 dated 27th January 1931 from the Additional Sub Judge, Mysore, intimating that a warrant of attachment of pay of one S.Ramanathia, a clerk in the City Magistrate's Court, Bangalore in Execution case No.1595 of 28-29 on the file of his Court, has not been given effect to, in spite of repeated reminders, and that the decree holder has accordingly applied to bring the Government on record in order to enforce the liability under order 21 rule 48 of the Code of Civil Procedure.

2. Letter No.B.3M30 dated 6th March 1931 from the District Magistrate, Bangalore, reporting about the supression of the warrants of attachment by the Clerk, Ramanathia.

3. Government Order No. P.1767-76/Ex.M.30-6 dated 11.6.31, directing the compulsory retirement of the official.

4. Correspondence ending with the Mysore Public Prosecutor's letter No.9 dated 2nd July 1931, intimating that a sum of Rs.269-14-0 has to be paid on 29th July 1931 to the decree holder in Ex.case.1595 of 28-29 in the Additional Sub Court Mysore, and requesting an early remittance of the amount.

O r d e r, No. P. 238-41/Law 100-30-22

Dated, Bangalore the 8/11 July 1931.

In the circumstances mentioned in the District Magistrate's letter read above, Government decided to admit liability under order 21 rule 48 of the Code of Civil Procedure, to the extent to which the pay of the official, S.Ramanathia, could have been attached, according to law. It is now reported that if the warrant of attachment of pay issued in this case had been duly executed, the decree would have been fully satisfied

and that consequently, Government have to pay the amount now due under the decree.

The Public Prosecutor, Mysore reports that this amount comes to Rs. 269-14-0 and that it has to be paid into Court on the 29th July 1931.

Government are pleased to direct that the said amount be paid accordingly and steps taken immediately to recover the same from the disbursing officers concerned, according to Government Circular No.P.6235-95/Law 100-30 dated 31st March 1931.

The Comptroller to Government is requested to place the sum of Rs.269-14-0 at the disposal of the public Prosecutor, Mysore before 29th July 1931 treating it as an advance pending recovery as directed above. The District Magistrate, Bangalore is requested to submit a report as to the apportionment of responsibility of the disbursing officers concerned in the matter

D Nijaraja Rao

for Chief Secretary to Government.

TSD

To

The District Magistrate, Bangalore

The Public Prosecutor, Mysore.

The Comptroller to Govt.,through Financial Sectt.

The Registrar, High Court.

2.53 p83/94

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION, MYSORE.

Progress report for 8.7.31

Submitted to the Chief Secretary to the Government of

H. H. the Maharaja of Mysore.

(Law Section).

Additional Sub. Court, Mysore

Ex 1121 of 30.31

A K Ranga Iyer vs Chief Secretary to Govt.
and another.

Decree-holder files reply objecting to the filing of the additional statement on the ground that it is inconsistent with the plea originally put forward

For arguments 15.7.31

K. Ramaswamy
Public Prosecutor

24-95
T 1

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION
No. 48
Date 15.7.31

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION, MYSORE.

Progress Report for 15.7.31

Submitted to the Chief Secretary to the Government of H. H. the Maharaja of Mysore.

(Law Section)

Addl Dist. Judge's Court, Mysore
Ex No 1121 of 30-31

P K Ranga Iyer Vs Chief Secretary and another

Adjourned for Arguments to 5.8.31

17.7

T Ramadasa
Public Prosecutor

4082 P 31
96

GPB

192 .

From

The Public Prosecutor,

Mysore Division,

To Mysore.

The Chief Secretary to the Govt.
of His Highness the Maharaja
of Mysore, Law Section,
Bangalore.

Dated 24-7-31.

Despatched 24-7-31.

Received

General No.

No. 82.

Enclosure No. 1 receipt.

Law Sec't
25 JUL 1931

Sir,

With reference to G. O. No. P.238-41/Law 100.30 dated 8-7-1931 re: the payment into court of Rs.269-14-0 in full satisfaction of the decree in Ex: 1595 of 28-29 (Lakshminarasimhaiya Vs Chief Secretary & another) on the file of the Additional Subordinate Judge Mysore, I have the honour to state that the amount of Rs.269-14-0 received as per Comptroller's letter No.70 TADA II dated 20-7-31 was duly credited to the Treasury under Receipt Order No.83-9 dated 23-7-1931.

44

Receipt No. 7 dated 23-7-31 granted by the Additional Subordinate Judge, in S. C. 1866 of 27-28; Ex: 1595 of 28-29 is enclosed for

97
/

for reference.

Full satisfaction of the decree will be entered to-morrow and the fact reported in the usual course.

I have the honour to be

S i r,

Your most obedient servant.

K Ramachandra

Public Prosecutor,

Mysore Division.

IN THE COURT OF the Additional Sub Judge Mysore AT 48

No. 7 DISTRICT

Suit No. 1866-g 27-28 of 192
Exc. No 1595-g 28-29

Received from Mr K Ramaswamia Public Prosecutor Govt Pleader, Mysore to defendant the Chief Secretary to the Govt of Mysore Bangalore.

the sum of Rupees two hundred and sixty nine annas fourteen (269-14-0) only

on account of decree amount Credited in Judicial deposit payable to Court over in R.O. No. 83-9 dated 23.7.37 in the above Case

H Venkatramani
Cash Clerk
Amal Nabeel
Mysore

Nazir.

23.7.937
Mysore

ಖಾತೆದಾರನ ಹೆಸರು.....

ನರ್ವೆ ನಂ. ಯಾವ ಸಾಲಿನ ಕಂದಾಯ

ರುಜು....

Pay Rs. 1-9-0 in cash or
by transfer credit to Land Revenue

ಮೂಲೀಕನೋ ವಾ ಅವನ ಅಟಾರ್ನಿಯೋ....

ಸ್ಥಳ

ತಾರೀಖು...

Treasury Officer.

(ರಶೀದಿ ಸಂಗಡ ಪತ್ರವನ್ನೂ ಹಾಜರ್ಮಾಡಬೇಕು).

ಮೈಸೂರು ಸರ್ಕಾರದ 1940 ರಲ್ಲಿ ಪಾವತಿ ಆಗುವ ಸಾಲು.

25 ರೂಪಾಯಿ ಬಾಂಡಿನ ಬಡ್ಡಿ ರಶೀದಿ.

ಬಾಂಡಿನ ನಂ..... ಛಷ್ಮಾಹೆ ಬಡ್ಡಿ ಮೊಬಲಗು ರೂ. 0–12–6.

ಮೂಲೀಕನ ಹೆಸರು.....

3. 1922ನೆ ಏಪ್ರಿಲ್ 1ರಲ್ಲಿ ಸಲ್ಲತಕ್ಕದ್ದು.

ಮೇಲ್ಕಂಡ ಬಡ್ಡಿ ಮೊಬಲಗು ಈ ದಿನ ನನಗೆ ನಗದು ಸಂದಿದೆ, ವಾ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ಹೆಸ್ಸ ಕಂದಾಯದ ಬಗ್ಗೆ ಜಮಾ ಮೂಲಕ ಸಂದಿದೆ.

ಗ್ರಾಮ..... ಖಾತೆ ನಂ.....

ಖಾತೆದಾರನ ಹೆಸರು.....

ನರ್ವೆ ನಂ..... ಯಾವ ಸಾಲಿನ ಕಂದಾಯ.....

ರುಜು.....

Pay Rs. 1-9-0 in cash or
by transfer credit to Land Revenue.

ಮೂಲೀಕನೋ ವಾ ಅವನ ಅಟಾರ್ನಿಯೋ.....

ಸ್ಥಳ.....

ತಾರೀಖು.....

Treasury Officer.

(ರಶೀದಿ ಸಂಗಡ ಪತ್ರವನ್ನೂ ಹಾಜರ್ಮಾಡಬೇಕು).

544/31
P 699

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

Progress Report for 29-7-31.

Submitted to the Chief Secretary to the Government

of His Highness the Maharaja of Mysore,

Law Section, Bangalore.

Additional Subordinate Judge's Court, Mysore.

O. S. No. 1866 of 27-28

Ex: No. 1535 of 28-29.

(Lakshminarasimhaiya Vs Ramanathaiya & Chief Secretary)

Pay amount deposited.

Enter full satisfaction.

Application dismissed.

K Ramaswamy

Public Prosecutor,

Mysore Division.

Sub? for perusal.

TSD
'8

This file may now be received + two separate files opened one to watch Bhaskara Rao's case and the other for further action in pursuance of the G O of 11th July 1931.

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705/P 100

Letr no. 121 dated 6.8.31 from the Pfr. Mysore to the Chief Secy to Govt.

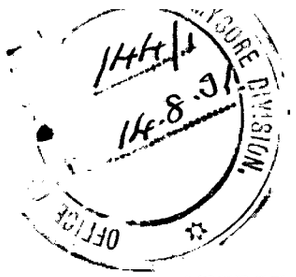
Addl Sub. Judge's Court, Mysore

Ex: 1121 of 1930-31

A.K. Ranga Aye vs Bhaskara Rao Jt. Chief Sec

Posted for argument on 12.8.31.

Sub J for perusal
Sus D till 15/8
ISD 11/8



826/31
P 101

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

PROGRESS REPORT FOR 14-8-1931.

Submitted to the Chief Secretary to Government
of His Highness the Maharaja of Mysore,
Law Section, Bangalore.

1. Additional Subordinate Judge's Court, Mysore.

Ex: 1121 of 1930-31. S. C. 852 of 24-25.

(A. K. Ranga Iyer Vs Bhaskara Rao & Chief Secretary)

" Mr. K. Ramaswamy wants to consult the Chief Secretary with a view to withdraw his contention. Hence adjourned to 30-9-31. "

Submitted.

It may be noted that at the time of filing the written statement the information communicated in Letter No.P.7483(5) Law dated 16-5-31 was not available. Subsequently an additional statement was filed in which it was virtually admitted that the salary of the official was in fact attached and a sum of Rs.10/- was recovered and sent to court on 12-6-29.

In view of the above admission the plea of non-attachment originally put forward seems untenable. The Assistant Superintendent of Police, French-Rocks, ought to have communicated to the next disbursing officer the fact of attachment on the salary of Bhaskara Rao.

In these circumstances the undersigned solicits orders as to whether the Decree-Holder's claim should be contested or admitted.

Copy of objections filed by the Decree-holder is herewith submitted for perusal.

K Ramachandra

Public Prosecutor,
Mysore Division.

In the court of the Additional Subordinate Judge, Mysore

Ex. II 21 of 30-31

Decreeholder A. K. Panchaksharaiah

vs

Judgment-debtors 1) H.S. Bhaskara Rao
2) The Chief Secretary to the Govt. of Mysore

pdwdtm 8-7-31

The decreeholder above-named begs to state as follows:—

I The facts stated in the additional statement of the 2nd opponent contradict the statements in the original statement filed by the said opponent.

II According to the additional statement by the 2nd opponent, the liability of the said opponent under O 21, Rule 66 (3) for the amount due to the decreeholder is impliedly admitted.

III The decreeholder therefore prays that further proceedings may be ordered for recovery of the amount from the 2nd opponent—

"Copy"

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section

File No.

Serial No.

No. J 1423 (1)

General and Revenue Secretariat

( )

the *193*

To

The PPr. Mysore.

Date of issue 3/9/31

Signed by M. Ray

Sir,

With reference to your letter No 144 dated 14.8.31 re: Ex. 1121 of 1930-31 on the file of the Add! Sub-Judge's Court Mysore (A.K. Rangaiya vs Bhaskara Rao & Ors) I am directed to forward herewith a Copy of the Govt. Ad's opinion in the matter, and to state that the decree holder's claim should be Canvassed on the grounds suggested there in

List of enclosures.....

Copied by.....

Examined by.....

for

I have &c

ISD 29/8

Govt 31/8

105

2nd September 1931.

The

The Public Prosecutor,

M y s o r e.

With reference to your letter No.144 dated 14th August 1931 re - Ex. 1121 of 1930-31 on the file of the Additional Sub Judge's Court Mysore (A.K.Ranga Iyer Vs. Bhaskar Rao and Chief Secretary), I am directed to forward herewith a copy of the Government Advocate's opinion in the matter, and to state that the decree holder's claim should be contested on the grounds suggested therein.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

ISD

ACH.2.

The

The Inspector General of Police in Mysore,
Bangalore.

I am directed to invite reference to this office letter No.P.1008 dated 13th August 1932 re: the non-compliance of warrant of attachment of salary of one Bhaskar Rao, Clerk, District Superintendent of -- Police, French Rocks in Ex.112/30-31 on the file of the Additional Sub Judge, Mysore (A.K.Ranga Iyer VS:- Bhaskar Rao) and to request that the information called for may kindly be furnished early.

I have the honour to be,
Sir,
Your most obedient servant,

For General Secretary to Government

mk

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:--

Letter No. B 3 M 30 dated 6th March 1931 from the District Magistrate Bangalore reporting about the case of suppression of certain official communications by Mr. S.Ramanathiah, Head Clerk, City Magistrate's Court Bangalore and recommending that he may be retired from the service on a compassionate allowance

2. Correspondence ending with letter No.B 3-M-80 dated 21st April 1931 from the same officer stating that the official may be retired as already recommended and that the value of a cup reported to be missing out of the properties in a case on the file of the City Magistrate may be recovered from the official.

****

O R D E R No. 776-7 ET 174-30-6 dl 11.6.31.

Dated Bangalore the 10th June 1931.

It was brought to the notice of Government that a court warrant for the attachment of the salary of Mr.S.Ramanathiah, Head Clerk, City Magistrate's Court Bangalore issued by the Additional Sub Judge Mysore was not complied with. On enquiry into the circumstances under which the warrant was not complied with it is reported that the City Magistrate was not aware of the receipt of the warrant. In response to the request of the City Magistrate,Bangalore, the additional Sub Judge Mysore intimated the number and date of the salary attachment warrant and as it was not returned a fresh warrant was subsequently sent by registered post and a further D.O. reminder was also sent to the personal address of the City Magistrate. But none of these communications was brought to the notice of the City Magistrate. A similar complaint had also been received from the Munsiff Closepet stating that 2 salary attachment warrants issued by that Court against the same official were neither returned nor the D.O. reminders replied to. On receipt of the complaint the District Magistrate Bangalore paid a surprise

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~~xxxxx~~ visit to the Court on 19th December 1930 and placed Mr.S.Ramanathiah under suspension.

2) In his explanation Mr. Ramanathiah denies having received the attachment warrants or the reminders. It has been the practice in this Court for the Head Clerk to open all the tappals and it was therefore easy for him to suppress any reference which he did not wish to go to the notice of the presiding officer. The City Magistrate in his report considers that there is no doubt that the Head Clerk has suppressed the salary attachment warrants -- which affected his own salary. The District Magistrate states that it is not safe to allow such a person in service especially as he is heavily involved in debts. But considering his long service the District Magistrate recommends that he may be retired on a compassionate allowance.

3) Government agree with the District Magistrate and direct that Mr. S.Ramanathiah be retired from service from the date of his -- suspension on a compassionate allowance admissible under the rules.

4) The District Magistrate is also requested to recover from the official the value of the cup reported to be missing.

N. Samiengar

For Secretary to Government
Sg Law Department.

To

The District Magistrate, Bangalore.
The Comptroller to Government.
The Registrar, High Court of Mysore.

c.n.

/C

LAW SECRETARIAT.

Circular No. P. 6235-95—*Law* 100-30, *dated* 31*st March* 1931.

It has been brought to the notice of Government that in some cases disbursing officers have omitted to comply with warrants of attachment of pay of officials under them, issued by proper Courts of Law. Reference is invited to Rule 48 of Order XXI of the Civil Procedure Code which makes the Government liable for any sum paid in contravention of such attachment orders. The provisions of Law in this respect are imperative. The officer receiving the warrant should not enter into correspondence with the Court or forward any representations of the officials concerned in the matter. His business is merely to execute the warrant, provided the amount is available. Any failure to obey the provisions of the law in this respect will make the officer concerned personally liable to make good the loss that may be caused to Government thereby.

By Order,
P. MAHADEVAYYA,
Secretary to Government,
Law Department.